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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORIA

IN RE: TOYOTA MOTOR CORP. UNINTENDED ACCELERATION MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION

This documents relates to:

ALL CASES

Case No.: 8:10ML2151 JVS (FMOx)

DEFENDANTS' BRIEF IN SUPPORT OF PROPOSED DISCOVERY PLAN

Date: June 23, 2010
Time: 9:00 a.m.
Location: Court Room 10C
Judicial Officer: Hon. James V. Selna

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I. INTRODUCTION

Given the complexity of this case and the uncertain viability of Plaintiffs' claims, Plaintiffs' discovery proposal[1] is impracticable and will substantially delay all aspects of this litigation.[2] Defendants instead propose a discovery plan "direct[ed] at the material issues in controversy." *Manual for Complex Litigation* §§ 11.41 and 11.42 (4th ed. 2004) (hereinafter MCL). Defendants' plan is far from a "do nothing" plan. Rather, it is a discovery plan which "facilitate[s] the orderly and cost-effective acquisition of relevant information and materials" at the outset of this case and will advance the litigation in a systematic and organized manner – the touchstone of effective management of complex litigation. *Id.*

Specifically, Defendants propose phased discovery initially focusing on (1) case-specific discovery in the individual personal injury/wrongful death cases, (2) production of documents that Toyota previously produced to NHTSA, the United States Congress, and State Attorneys General, pursuant to Order No. 3, (3) preliminary Rule 30(b)(6) depositions regarding Toyota's structure and available documentation, (4) Plaintiffs' initial disclosures, (5) targeted electronic throttle control system ("ETCS") discovery focused on several model years of a single exemplar vehicle, and (6) discovery needed for class certification briefing. This initial discovery "may then provide information for further defining and narrowing issues," *id.* at § 11.31, which, in turn, will allow the Parties and the Court to develop a more tailored and focused discovery plan, and will also facilitate the early resolution of class certification motions. *See id.* at § 11.213.

Targeting these issues is amply supported. Courts have routinely tailored

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[1] Plaintiffs initially rejected Defendants' proposal for phased discovery, arguing that the Parties should commence with all discovery immediately. This morning Plaintiffs' Counsel indicated that they may agree to a phased approach, but as of 5:00 pm EST, Plaintiffs have yet to provide a written proposal for sequencing discovery.

[2] Plaintiffs have, however, agreed that discovery should commence with limited Rule 30(b)(6) depositions to educate Plaintiffs about the proper parties to the litigation, the entities, departments, and persons likely to possess relevant information, and the types and locations of relevant documents.

discovery to (1) focus on threshold issues that could be dispositive of substantive claims; and (2) on class discovery where, as here, class certification is by no means a certainty and could in fact be a pivotal point in this litigation.

II. SEQUENCING DISCOVERY WILL PERMIT THIS LITIGATION TO ADVANCE EXPEDITIOUSLY AND ECONOMICALLY

A. This Litigation Necessitates An Orderly, Phased Approach To Discovery

According to Plaintiffs, discovery in this litigation will involve an investigation of the design and marketing of dozens of vehicle models going back as early as model year 1998. *See* Plaintiffs' June 8, 2010 Letter at Exhibit B (attaching 10 page list of the vehicles at issues), attached hereto as Exhibit 1. Indeed, the tremendous scope of Plaintiffs' proposed discovery is exemplified by Plaintiffs' initial list of suggested areas for discovery, which spans nearly forty pages. *See id.* Moving forward with unlimited discovery regarding the design and marketing of all of these vehicles simply cannot be accomplished in a reasonable time frame; it could take years to complete. Nonetheless, Plaintiffs have suggested that, given the complexity of the case, it is imperative to commence all phases of discovery immediately.[3]

Plaintiffs have it exactly backwards. Complex litigation demands a realistic plan aimed at resolving key issues as early as possible which, in turn, might lead to the narrowing or elimination of later discovery. Here, a focused and phased approach is particularly appropriate in light of several factors. First, Plaintiffs primary theory of defect in both the individual and class cases is not related to either the floor mat or the pedal issues that gave rise to the recalls of Toyota vehicles, but instead to the novel theory that every single Toyota vehicle equipped with ETCS has an unspecified latent defect. Using an exemplar vehicle to test this theory at the outset is eminently reasonable and consistent with the MCL and legal authority. Second, Plaintiffs seek

[3] As discussed in footnote 1, *supra*, it appears that Plaintiffs may now acknowledge the wisdom and necessity of sequencing discovery in this case.

sweeping damages on behalf of proposed classes of Toyota owners, the vast majority of whom have *never* experienced an alleged episode of unintended acceleration or any other form of alleged injury. Thus, motions to dismiss in the class cases will be substantially more than formulaic exercises - the viability of these claims is far from certain. Third, even assuming the presence of viable claims, class certification will be strongly contested. Indeed, answering whether Plaintiffs' claims can proceed on a class-wide basis and, if so, identifying which claims, will no doubt change the scope of this litigation significantly. In short, the potentially dispositive, and almost certainly narrowing, nature of the issues that Defendants' plan prioritizes weighs heavily in favor of targeted discovery.

As the *Manual for Complex Litigation* explains, "[d]iscovery control in complex litigation may take a variety of forms, including . . . sequencing." MCL § 11.422. "[I]nitial discovery should focus on matters—witnesses, documents, information—that appear pivotal . . . [and] may also be targeted at information that might facilitate settlement negotiations or provide the foundation for a dispositive motion." *Id.* "Rule 26(b)(2) directs the court to limit the frequency and extent of use of the discovery methods permitted by the rules in order to prevent 'unreasonably cumulative or duplicative' discovery and discovery for which 'the burden or expense . . . outweighs its likely benefit, taking into account the needs of the case . . . the importance of the issues at stake . . . and the importance of the proposed discovery in resolving the issues.' This underlying principle of proportionality means that even in complex litigation, discovery does not require leaving no stone unturned." *Id.* at § 11.41.

Federal courts in the Ninth Circuit and throughout the country, recognizing the practicality and efficiency of phased discovery, have implemented it in order to address key issues within the early stages of a complex litigation. *Program Eng'g, Inc. v. Triangle Publ'ns, Inc.*, 634 F.2d 1188, 1193 (9th Cir. 1980) (stating that district court properly entered an order limiting initial discovery to the threshold issue of

timeliness of an alleged overt act in furtherance of a conspiracy); *Forbes v. 21st Century Ins. Co.,* 258 F.R.D. 335, 336-337 (D. Ariz. 2009) (referencing the structuring of discovery into phases so as to place initial focus on select issues that might permit early resolution of the case, and holding that discovery on an issue not selected for inclusion in the first phase must be postponed until the second discovery phase); *Flowers v. Carville,* 310 F. Supp.2d 1157, 1161 (D. Nev. 2004) (in a defamation case, referencing discovery order limiting the first phase of discovery to the threshold issue of whether defendant acted with actual malice); *Klein v. King,* 132 F.R.D. 525, 528-530 (N.D. Cal. 1990) (ordering a staged discovery plan designed to result in the production of documents on the core facts necessary to value the case for early settlement purposes).[4] As these authorities demonstrate, there is no question that the Court would stand on firm legal ground in ordering targeted discovery under these circumstances.

B. The Lack Of An Operative Complaint For The Class Actions Makes Full-Blown Discovery Premature

The *Manual for Complex Litigation* suggests that "[t]he judge should construct the discovery plan after identifying the primary issues, at least preliminarily, based on the pleadings and the parties positions at the initial conference." MCL at § 11.31. At this early stage, a consolidated class action complaint and responsive 12(b) motions have yet to be filed, both of which will undoubtedly clarify the issues ripe for discovery. As the consolidated docket now stands, the legal theories, factual contentions, and even the allegations of defect that Plaintiffs intend to pursue are not at all clear.[5]

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[4] *See also Farah v. Wellington*, 295 Fed. Appx. 743, 747-48 (6th Cir. 2008) (finding no abuse of discretion where initial discovery limited to the threshold issue of qualified immunity); *DMJ Assoc. v. Capasso,* 228 F. Supp. 223, 232 (E.D.N.Y. 2002) (discussing division of discovery into phases, with Phase I limited to the issue of whether there was actual hazardous materials contamination of the property).

[5] Indeed, Plaintiffs have indicated that they may not pursue recalls claims in the consolidated complaint and that the consolidated complaint may instead proceed solely on the theory of the alleged defectiveness of ETCS.

As the Supreme Court explained in *Associated General Contractors of California, Inc. v. Carpenters*, 459 U.S. 519, 528 n.17 (1983), "a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed." In this same vein, the Ninth Circuit has cautioned that during the pendency of a motion to dismiss "[d]iscovery is only appropriate where there are factual issues raised by a 12(b) motion." *Jarvis v. Regan*, 833 F.2d 149, 155 (9th Cir. 1987) (upholding a district court's order "stay[ing] discovery pending the disposition of the motions to dismiss"); *see also Rae v. Union Bank*, 725 F.2d 478, 481 (9th Cir. 1984) (same). This is particularly true in cases where discovery is "broad, time-consuming and expensive." *See In re Netflix Antitrust Litig.*, 506 F. Supp. 2d 308, 321 (N.D. Cal. 2007) (addressing the entry of a stay during the pendency of a motion to dismiss), *citing Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 560 n.6 (2007).

Despite the strong support for holding back discovery altogether while the allegations are clarified, Toyota shares the desire to move this litigation towards resolution. Accordingly, Defendants propose moving forward with phased discovery even while motions to dismiss are pending.[6] By adopting a phased approach to discovery, Plaintiffs will receive a substantial number of relevant documents and information early on, while simultaneously avoiding a host of discovery that may ultimately be unnecessary.

III. BIFURCATION OF CLASS AND MERITS DISCOVERY WILL PERMIT THE PARTIES TO BRIEF THE CRITICAL ISSUE OF CLASS CERTIFICATION AT AN EARLIER STAGE OF THESE PROCEEDINGS

Defendants' phased approach also advances the critical class certification determination towards an early resolution with later phases of discovery focusing on the merits of this litigation with respect only to whatever class, if any, this Court

[6] However, Defendants believe that, with certain limited exceptions, commencement of discovery should await the filing of the consolidated complaint.

certifies. "Class certification or its denial will have a substantial impact on further proceedings, including the scope of discovery, the definition of issues, the length and complexity of trial, and the opportunities for settlement." MCL at § 11.213. Rule 23(c)(1)(A) in fact mandates that the class certification decision should be made "[a]t an early practicable time" after the commencement of the action.

Accordingly, federal courts in this Circuit and across the country have interpreted the broad authority granted by Rule 23(d)(1)(A) to "determine the course of proceedings or prescribe measures to prevent undue repetition or complication in presenting evidence or argument," as authorizing district courts to bifurcate class and merits discovery. *See, e.g., Armstrong v. Davis*, 275 F.3d 849, 871 n. 28 (9th Cir. 2001) (Rule 23 "provides district courts with broad discretion to determine whether a class should be certified" and allows district courts to "limit [precertification] discovery to class certification issues.") (internal citations omitted); *Vinole v. Countrywide Home Loans, Inc.*, 571 F.3d 935, 942 (9th Cir. 2009) ("District courts have broad discretion to control the class certification process, and '[w]hether or not discovery will be permitted . . . lies within the sound discretion of the trial court.'") (quoting *Kamm v. Cal. City Dev. Co.*, 509 F.2d 205, 209 (9th Cir. 1975)); *Babbitt v. Albertson's, Inc.* 1992 WL 605652, at *2 (N.D. Cal. 1992) ("In general, at the precertification stage, discovery in a putative class action is limited to certification issues: e.g., the number of class members, the existence of common questions, typicality of claims, representative's ability to represent the class, etc. Discovery on the merits is usually deferred until it is certain that the case will be allowed to proceed as a class action.") (citing *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 359 (1978); *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 177 (1974)).[7]

The *Manual for Complex Litigation* likewise advocates defining and advancing

[7] *See also Washington v. Brown & Williamson Tobacco Corp.*, 959 F.2d 1566, 1570-71 (11th Cir. 1992) (holding that in order to "make early class determination practicable and to best serve the ends of fairness and efficiency, courts may allow classwide discovery on the certification issue and postpone classwide discovery on the merits.") (citing *Stewart v. Winter*, 669 F.2d 328, 331 (5th Cir. 1982)).

class discovery and "staying other discovery if resolution of the certification issue may obviate some or all further proceedings." MCL at § 11.213. Bifurcation and prioritization of class discovery has also been ordered in numerous multidistrict litigation proceedings. *In re Ford Motor Co. Speed Control Deactivation Switch Prods. Liab. Litig.*, MDL Docket No. 1718 (E.D. Mich. June 15, 2006) (issuing case management order bifurcating discovery and staying discovery on the merits until the court had ruled on the plaintiffs' class action certification motions); *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, MDL No. 1407, Docket No. 169 (W.D. Wash. Jan. 31, 2002) (entering order staying merits discovery until a decision had been made regarding class certification); *In re GMC Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 779-80 (3d Cir. 1995) (noting that the district court's scheduling order required initial discovery to focus on class certification issues); *see also In re Bridgestone/Firestone, Inc., ATX, ATX II, and Wilderness Tires Products Liability Litigation*, MDL 1373 (S.D. Ind. Jan. 30, 2001) ("In conducting discovery during the initial phases of this litigation, counsel in the Class Action Cases should expedite discovery needed to create an evidentiary record upon which Plaintiffs' class certification motion(s) can be briefed and decided.").

Here, there are serious questions as to whether a class can be certified at all in this case due to the difficulties Plaintiffs will face in establishing, for example, common proof of reliance, common proof of injury and in applying the laws of fifty states to the claims asserted. Although discovery would continue in the individual personal injury cases even if class certification were denied, the scope of that discovery would be much more limited given the smaller number of vehicle models at issue. Thus, Plaintiffs' proposal for commencing this litigation with far-ranging merits discovery could result in a significant waste of time and effort.

Moreover, even if the Plaintiffs are able to obtain certification of a class, the class definition is likely to be significantly narrowed by a decision on Rule 23 motions. The appropriate scope of merits discovery in this case will be tied to size of

the class that is certified. At this stage of the litigation, it appears that Plaintiffs will bring their claims on behalf of a class consisting of all consumers (foreign or domestic) who own or lease a Toyota or Lexus vehicle equipped with ETCS and all entities that sell or rent Toyota or Lexus vehicles equipped with ETCS. Certification motions, however, are likely to narrow the putative class and sub-class definitions substantially. If full merits discovery were permitted to proceed without first addressing the issue of class definition, an inordinate amount of time, effort, and expense may be expended on discovery that is ultimately deemed inappropriate. This is precisely the reason that courts and the *Manual for Complex Litigation* utilize bifurcated discovery. *See* MCL at § 21.14 (noting that courts often bifurcate discovery because "[d]iscovery relevant only to the merits delays the certification decision and may ultimately be unnecessary.").

Finally, Plaintiffs' arguments against bifurcation are unfounded. First, Plaintiffs have suggested that bifurcation is unworkable given the overlap between class and merits discovery. Despite these contentions, clear distinctions exist between class and merits discovery in this case, making bifurcation appropriate. As an example, in their June 8, 2010 letter, Plaintiffs state that they intend to seek discovery concerning "Toyota's methodology for designing and implementing the ETCS system and Toyota's decision to incorporate the ETCS system into the Subject vehicles." Exhibit C of Plaintiffs' Letter at p.10. Plaintiffs then list at length eleven separate topics that focus on Toyota's decision-making and reasoning surrounding its design and implementation of the ETCS system. *Id.* at pp. 10-11. This is pure merits discovery. These issues are in no way relevant to numerosity, commonality, typicality, or adequacy, and Plaintiffs cannot seriously contend otherwise. Similarly, discovery relating to the development of Toyota products and product programs, including alternative and competitive product designs and programs is in no way relevant to Rule 23 factors at issue in class certification. Likewise, Plaintiffs are delving into pure merits discovery when they seek discovery targeted to Toyota's

notice, awareness, and response to claims of unintended acceleration. These are just a few examples that illustrate that, contrary to Plaintiffs' contention, this Court can effectively bifurcate class and merits discovery, which will allow for orderly and efficient sequencing of discovery and an early resolution of the class certification issue.

Second, the individual personal injury cases will not be delayed by bifurcation. Defendants recognize that that class certification cannot resolve all claims and cases in this litigation given the existence of numerous individual personal injury/wrongful cases. Accordingly, Defendants propose a "modified" version of bifurcation that will allow limited merits discovery to move forward concurrently with class certification discovery. Most importantly, during the class discovery phase, Toyota proposes targeted discovery on Plaintiffs' central theory of defect – ETCS – which applies in the vast majority of the individual as well as the class cases. The Parties will also conduct the following merits discovery concurrently with class discovery: (1) initial disclosures, (2) the production of more hundreds of thousands of pages of documents that Toyota previously produced to NHTSA, the United States Congress, and State Attorneys General as required pursuant to Order No. 3, (3) limited Rule 30(b)(6) depositions concerning the involvement, identify, and location of key entities, departments, persons, and documents, and (4) case-specific fact discovery in the personal injury actions. In short, the bifurcation and prioritization of class discovery requested by Defendants will not delay the progress of the individual actions, and, by permitting early resolution of Rule 23 motions, will substantially advance this litigation and allow for more targeted discovery should class certification be granted.

IV. FOCUSED ETCS DISCOVERY AND AN EARLY *DAUBERT* HEARING ON THE ADMISSIBILITY OF TESTIMONY REGARDING DEFECTS IN THE ETCS WILL NARROW THE ISSUES AND PROMOTE THE EFFICIENT RESOLUTION OF THIS ACTION

This litigation presents a narrow threshold question – whether Plaintiffs can marshal admissible proof of a defect in Toyota's ETCS – that lies at the heart of

Plaintiffs' cases and should be addressed at the outset. Specifically, Toyota requests a discovery plan that will establish prompt deadlines for (i) the completion of targeted discovery related to the testing and engineering aspects of the ETCS on an exemplar vehicle, the Camry; (ii) the identification and deposition of any expert witnesses who will address the alleged defectiveness of ETCS; (iii) the filing of *Daubert* motions regarding those expert witnesses; and (iv) a *Daubert* hearing.

Prior decisions excluding proposed expert witness testimony in other cases involving alleged unintended acceleration suggest that exploring this issue early in the litigation is, at a minimum, a reasonable ordering of discovery. *See Watson v. Ford Motor Co.*, No. 26786, 2010 WL 916109, *7 (S.C. March 15, 2010) (excluding expert on alleged cause of unintended acceleration because, *inter alia*, the "theory was rejected in the scientific community"); *Turker v. Ford Motor Co.*, No. 87890, 2007 WL 701046, *5 (Ohio App. 8 Dist. March 8, 2007) (trial court properly excluded expert on alleged cause of unintended acceleration). Of course, even if Plaintiffs introduce admissible evidence of an alleged defect, the discovery plan will have advanced these cases considerably, and further discovery could be narrowed to focus on potential differences among the ETCS in different models, if any.

A. Background On ETCS

As its name implies, ETCS is an electronic system that regulates the position of the vehicle's throttle. The development of electronic throttle control was a major advance in the automotive industry. Prior to that time, there was a direct mechanical linkage – a cable – connecting a vehicle's accelerator pedal and its throttle. With the advent of ETCS, the accelerator pedal is connected to the throttle only by electronics. Thus, electronic sensors detect the accelerator pedal position, and based on signals from those sensors, the vehicle's throttle control motor controls the position of the throttle plate. Significantly, the ETCS in Toyota vehicles contains two electronic failsafe devices that shut off or significantly restrict the vehicle's throttle in the event of a fault or errant electronic signal. Electronic throttles provide significant

improvements in vehicle performance, reliability and safety, and virtually every new car sold in the U.S. today has an electronic throttle.

The alleged defectiveness of ETCS is at issue in both the individual and class cases. In fact, the vast majority of cases in this litigation include claims related to the ETCS. Plaintiffs, through their counsel, have made sweeping allegations about the nature of these alleged ETCS defects. Toyota is not aware of any reliable evidence that *any* defect exists in Toyota's ETCS, and neither the Floor Mat Recall nor the Pedal Recall had anything to do with ETCS. Accordingly, Toyota welcomes the opportunity to address alleged defects in its ETCS at an early stage of this litigation.

B. Substantial Authority Supports Early Resolution Of The Alleged Defectiveness Of The ETCS By Focusing Discovery On An Exemplar Vehicle

The *Manual for Complex Litigation* recommends exactly the type of process that Toyota suggests here: "initial discovery [directed] at matters – witnesses, documents, information – that appear pivotal, [that] may render other discovery unnecessary or provide leads for further necessary discovery . . . [and that is] targeted at information that may facilitate settlement negotiations or provide the foundation for a dispositive motion." MCL at § 11.422.

Courts across the country have also followed the approach of addressing key causation issues early in the litigation. *See, e.g., Estate of Macias v. Lopez*, 42 F.Supp.2d 957 (N.D. Cal. 1999), *rev'd on other grounds*, *Estate of Macias v. Ihde*, 219 F.3d 1018, 1020 (9th Cir. 2000) (limiting the initial phase of discovery to the issue of causation and ruling on motion for summary judgment after completion of discovery on the issue); *Todd v. Merrell Dow Pharm.*, 942 F.2d 1173, 1178 (7th Cir. 1991) (stating that "[l]imiting discovery to a threshold issue is proper in a case that may be resolved upon summary judgment."); *Aldridge v. Goodyear Tire & Rubber Co., Inc.*, 30 Fed. Appx. 184 (4th Cir. 2002) (upholding district court's refusal to allow discovery that was not relevant to the critical issue of causation); *Wills v.*

Amerada Hess Corp., 379 F.3d 32, 51-52 (2nd Cir. 2004) (finding that "[i]n a complex toxic tort suit, the district court properly limited discovery to those requests tailored to provide evidence of the salient issue-causation."); *McClelland v. Goodyear Tire & Rubber Co.*, No. 90-3097, 1991 WL 38700, at *2 (4th Cir. Mar. 25, 1991) (upholding summary judgment after discovery limited to the issue of causation); *Newman v. Motorola, Inc.*, 125 F.Supp.2d 717, 725 (D. Md. 2000) (granting defendants' request to limit initial discovery to issues related to causation.); *Perry v. Novartis Pharm. Corp.*, 564 F.Supp.2d 452 (E.D. Pa. 2008) (excluding two of plaintiff's causation experts after limited discovery on issues related to causation).

The question of whether a defect is present in Toyota's ETCS is exactly the kind of pivotal issue that may "facilitate settlement negotiations or provide the foundation for a dispositive motion." MCL at §11.422. The ETCS claims are critical to the resolution of both the individual actions and the class cases. And they unquestionably stand in the way of beginning any meaningful discussion of a potential negotiated resolution. Toyota's proposal also does not prejudice the Plaintiffs or present any down-side in the management of this litigation. Toyota is not proposing that this litigation be delayed. On the contrary, Toyota expects that this proposal will increase the speed at which this litigation will proceed. And, of course, this discovery would need to be conducted anyway, so while there is an opportunity to promote efficiency, there is no potential for wasted effort.

In sum, resolving the threshold question of whether Plaintiffs can introduce admissible evidence of a defect in Toyota's ETCS by initially focusing discovery on an exemplar vehicle will significantly move the litigation forward in an efficient manner aimed at potentially narrowing the issues.

C. <u>The 2002-2006 Camry Is An Appropriate Exemplar Vehicle</u>

Despite the all encompassing allegations in their complaints, Plaintiffs' proposed discovery plan suggests that Plaintiffs have no coherent theory of any defect in the ETCS. Lacking a theory, Plaintiffs propose that the Parties simply launch into

unfettered discovery regarding virtually every engineering and design aspect of numerous vehicles across a multitude of model years. *See* June 8, 2010 letter from Plaintiffs, attached as Exhibit 1. Plaintiffs' proposed approach would be unreasonably broad, very slow and extremely inefficient. A much more reasonable approach, and one substantially analogous to choosing bellwether cases for full discovery and trial in mass tort litigation, is to select an exemplar vehicle on which to focus discovery. That approach is particularly reasonable in this situation, because Plaintiffs cannot point to any coherent theory of defect that posits a *different* defect in various Toyota models that would require discovery related to every model. On the contrary, given Plaintiffs' broad allegations of some unspecified defect in the ETCS of virtually every model of Toyota, the only reasonable assumption at this stage of the proceedings is that the defect is the same across all models.

Accordingly, Toyota proposes a discovery plan that focuses initial discovery on the engineering and testing of the ETCS in the 2002-2006 Camry.[8] Toyota proposes the 2002-2006 Camry for a number of reasons. First, the Camry is the best selling Toyota model, and one of the best selling cars in the U.S. Toyota sold over 2 million 2002 to 2006 Camrys in the U.S. Second, choosing a model range that includes some older cars will insure that any alleged latent defect has had sufficient time to manifest. Third, Toyota has already focused its efforts on the collection of ETCS documents for the 2002 to 2006 Camry as a result of the NHTSA investigation and communications with Plaintiffs' counsel, and so Toyota will be able to produce ETCS documents for the 2002 to 2006 Camry more quickly that for other models. Finally, the 2002 to 2006 Camry is at issue in at least five individual cases and six of the constituent class actions, insuring that this discovery will be useful even if it is necessary to later include discovery on additional vehicle models or model years. Most importantly, Toyota's plan proposes that targeted ETCS discovery ***begin, not end*** with the 2002-

[8] In addition, pursuant to Order No. 3, Toyota will also be producing in this litigation documents relevant to ETCS that are being produced to the NHTSA pursuant to RQ10-003.

2006 Camry. It is Toyota's position that ETCS discovery be sequenced to focus first on the Camry before extending to other vehicle models.

V. ADDITIONAL MECHANISMS ADVANCED IN DEFENDANTS' DISCOVERY PLAN WILL ALLOW FOR THE ORDERLY AND EFFICIENT PROGRESSION OF DISCOVERY

Defendants have included a number of proposals in their Discovery Plan that will assist the Court and the Parties in narrowing the issues and completing discovery in an efficient manner and Defendants request that the Court adopt these proposals. [1] Plaintiffs should be required to submit a statement refining their claims and theories after having the opportunity to review Toyota's initial production of documents pursuant to Order No. 3. Toyota's production will likely constitute more hundreds of thousands of pages, following the entry of an appropriate protective order, and should enable Plaintiffs to refine their theories and identify claims that they no longer believe have merit. *See* MCL at § 11.423 (where the production of prior productions is ordered, courts should "consider requiring the parties to review those materials before undertaking additional discovery."); § 11.491 ("Access to [government productions] can reduce the need for discovery and assist in defining and narrowing the issues."). This in turn may eliminate the need for certain Rule 12 briefing and narrow the scope of discovery. [2] The methods and forms of discovery should be sequenced so that, with the exception of the limited Rule 30(b)(6) depositions agreed to by the Parties, written discovery and document productions would precede depositions. *See* MCL at § 11.422 ("Some judges prescribe a sequence for particular types of discovery—for example, interrogatories may be used to identify needed discovery and documents, followed by requests for production of documents, depositions, and finally requests for admission."). [3] Plaintiffs should be required to serve a single Master or Omnibus Discovery Requests for each segment of discovery (e.g., class discovery, ETCS discovery, etc.) that would encompass all requests for production, interrogatories, and requests for admissions. *Id.* at § 11.423 (suggesting

the use of joint discovery requests and responses and combined discovery requests). [4] Plaintiffs and Class Representatives should be required to utilize fact sheets to minimize the need for formal interrogatories and documents requests. *Id.*. [5] The Parties should be encouraged to make use of stipulations concerning class certification issues in order to reduce the discovery needed for Rule 23 briefing. *Id.* at § 11.471.

VI. CONCLUSION

For all of the reasons discussed above, Defendants request that this Court adopt Defendants' Proposed Discovery Plan in Full.

Dated: June 21, 2010

Respectfully submitted,

By: /s/ Lisa Gilford

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EXHIBIT 1

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June 8, 2010

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Re: ***In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation***

Dear Counsel:

We promised you a letter that sets forth Plaintiffs' proposals for the categories of discovery that Plaintiffs will propound to the Toyota defendants and their vendors initially in this case. This letter sets forth a general description, for discussion purposes, of the discovery Plaintiffs will initially seek from Toyota and third parties. This description is without prejudice to any modifications or additions to the description of the discovery Plaintiffs may seek. We look forward to discussing our planned discovery with you and hearing your views regarding discovery. Plaintiffs would recommend a streamlined method for resolving any discovery disputes that may arise during the course of the litigation, including presenting issues to the court or the discovery masters for resolution based on short letter briefs. Separate discovery requests will be directed to the US Toyota and third party companies and the Japanese (and other foreign) Toyota and third party companies.

This discovery will include very early PMK depositions, requests for production of documents, interrogatories, and key Toyota TMC/vendor and Toyota USA/vendor employee depositions.

The purpose of the PMK depositions will be to help Plaintiffs identify relevant categories of evidence in this case including all persons, documents, databases and vendors that relate to all aspects of this case. Such depositions will also aid in the early and proper identification of defendants.

The very early PMK depositions for Toyota Japan/vendors and Toyota USA/vendors will be used to help Plaintiffs understand the nature of the various Toyota organizations, interactions and communications to all dealers; and all issues in this case relevant to the Electronic Throttle Control Systems (hereinafter ETCS) for all subject Toyota vehicles in this case. This includes but is not limited to: design, engineering, testing, schematics, drawings, component parts, all relevant databases, all Failure Mode and Effects Analyses, quality control and assurance, defects surveillance, Tread Act data, early warning information regarding Unintended Acceleration events (hereinafter UA); the identity of relationships and relevant documents that pertain to vendors such as Denso, Mitratech's TeamConnect and all other relevant vendors; Toyota sales, marketing, advertising, warranty claims, Technical Service Bulletins, changes, revisions, modifications, recalibrations, etc. In addition, another PMK deposition category will relate to any and all communications, contacts, interactions, contracts, and any other potential nexus or control with or over any and all Toyota dealers. We would expect to begin such depositions in July.

Attached as Exhibit A is a very rough list of initial proposed PMK deposition categories which will separately be propounded to both Toyota USA and Toyota Japan. Attached as Exhibit B is a list of all subject vehicles pertinent to our discovery plan. As Exhibit C, we have attached an exemplar overview of categories of ETCS related documents our discovery plan will be seeking. Attached as Exhibit D is a list of sales, marketing, advertising and media documents that our discovery plan will also seek; most of which we expect will come from Toyota USA.

As discussed at our meet and confer on June 4, 2010, it is important that we agree on "Load File Specifications" for all documents produced by the Toyota defendants in this litigation. As we told you, it is imperative that the Japanese language documents be delivered in a searchable native format. We propose that the parties meet and confer with our technical support personnel in attendance on or before June 16, 2010 to address the "Load File Specification" issues.

Finally, on our call last Friday, you promised to provide us with your own proposals to the discovery plan as well as your thoughts about Rule 26 Initial Disclosures. In addition, we would request that you respond to Plaintiffs' proposals above as soon as reasonably possible. It may be helpful to have another telephone meet and confer this Friday morning June 11th?

Respectfully Submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/
Elizabeth J. Cabraser

ROBINSON, CALCAGNIE & ROBINSON

By: Mark P. Robinson, Jr.
Mark P. Robinson, Jr.

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/
Steve W. Berman

COTCHETT, PITRE & MCCARTHY

By: /s/
Frank M. Pitre

SUSMAN GODFREY L.L.P.

By: /s/
Marc M. Seltzer

EXHIBIT A

PMK Subject Matter Categories For Early Depositions

Document Retention

- The document retention policies and practices at the TOYOTA entities or affiliates since 1998.

Organization

- The TMC organizational structure.
- The TMS organizational structure.
- The organizational structure of all other TOYOTA-related entities.

Communications/Interactions With Toyota Dealers

- All communications between TOYOTA and any dealers of TOYOTA vehicles.

Databases (Goal: Narrow down to ETCS, Floor mat, or Sticky Pedal related databases)

- The names, general purpose(s)/function(s), and location(s) of any computer or electronic databases used, maintained, or stored at any TOYOTA entities or affiliates since 1998.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any computer or electronic databases used, maintained, or stored at any TOYOTA entities or affiliates since 1998.
- The name(s) and location(s) of the any computer or electronic databases containing, relating to, or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any computer or electronic databases containing, relating to, or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.

ETCS

- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the design of the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any aspects of the design of the ETCS for all SUBJECT TOYOTA VEHICLES
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the engineering of the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any aspects of the engineering of the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the testing of the ETCS for all SUBJECT TOYOTA VEHICLES.

- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any aspects of the testing of the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the schematics or drawings of the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating or retaining the schematics or drawings of the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the component parts used in the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for designing, engineering, or testing the component parts used in the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any and all Failure Mode Effects Analyses (or TOYOTA-equivalent) related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for conducting any Failure Mode Effects Analyses (or TOYOTA-equivalent) related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the quality control and assurance standards, policies, procedures, and practices applied to, related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating, applying, or implementing the quality control and assurance standards, policies, procedures, and practices applied to, related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the defect surveillance/early warning standards, policies, procedures, and practices (e.g. Tread Act) related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES, including but not limited to Mitratech.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating, applying, or implementing the defect surveillance/early warning standards, policies, procedures, and practices (e.g. Tread Act) related to or regarding the ETCS for all SUBJECT TOYOTA VEHICLES, including but not limited to Mitratech.

EDR (Persons and documents pertaining to the following)

- EDR Readout Tools used in the United States and other countries.
- SRS Airbag Event Data Recorder Readout Tool Operation Manuals.
- The software design of the EDR Readout Tool.
- Non-software changes made to each and every version of the Readout Tool.
- The changes, corrections, deletions or additions made to each and every version of the Readout Tool Operation Manual.

- A list of the hexadecimal data recorded by the EDR.
- Documents used to manually read and validate the hexadecimal data recorded by the EDR and readout by the EDR Readout Tool.
- The Toyota departments that designed and manufactured the EDR Readout Tools.
- The Toyota employees involved in the design and manufacture of the EDR Readout Tools.
- A list (including make, model and year) of the relevant vehicles sold in the United States that have an EDR installed and the data each EDR records.
- A list (including make, model and year) in the relevant vehicles sold outside the US that has an EDR installed and the data each EDR records.
- The Passwords used for the security release on the EDR tool.
- The Accelerator Full Open Voltage Values used for input into the EDR Readout Tool.
- The testing done to validate the operation and accuracy of the EDR Readout Tool.
- The testing done to validate the operation and accuracy of the EDR Readout Tool.
- Details of all EDR downloads Toyota representatives have performed in the United States.

Subject Vehicles generally

- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the design of the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the engineering of the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the testing of the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the schematics of the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the drawings of the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the component parts used in the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any and all Failure Mode Effects Analyses (or TOYOTA-equivalent) related to or regarding the SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for conducting any Failure Mode Effects Analyses (or TOYOTA-equivalent) related to or regarding the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the quality control and assurance standards, policies, procedures, and practices applied to, related to or regarding the SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating, applying, or implementing the quality control and assurance standards, policies, procedures, and practices applied to, related to or regarding the SUBJECT TOYOTA VEHICLES.

- The nature and location of all DOCUMENTS at TOYOTA related to or regarding the defect surveillance/early warning standards, policies, procedures, and practices (e.g. Tread Act) related to or regarding the SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating, applying, or implementing the defect surveillance/early warning standards, policies, procedures, and practices (e.g. Tread Act) related to or regarding the SUBJECT TOYOTA VEHICLES.

UA Events

- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any alleged or potential UA EVENTS.
- The identity of all persons, divisions, entities and/or affiliates (including the Consumer Assistance Center and/or CAC) that was and/or is responsible for considering, testing, or analyzing in any way the issues related to or regarding any alleged or potential UA EVENTS.

Vendors

- The identity and purpose/function of all vendors used by TOYOTA in the design, engineering, and testing of the ETCS in the SUBJECT TOYOTA VEHICLES, including but not limited to Denso and CTS.
- The nature and location of all DOCUMENTS at TOYOTA regarding or relating to all vendors used by TOYOTA in the design, engineering, and testing of the ETCS in the SUBJECT TOYOTA VEHICLES, including but not limited to Denso and CTS.
- The nature and location of all DOCUMENTS in the possession of the relevant vendors that were used by TOYOTA in the design, engineering, and testing of the ETCS in the SUBJECT TOYOTA VEHICLES, including but not limited to Denso and CTS.
- All communications between TOYOTA and Denso.
- All communications between TOYOTA and Mitratech/TeamConnect.

Warranty Claims

- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any warranty claims regarding any potential issues with UA, pedals, floor mats, "surging," "driveability" and/or any potential problems with the ETCS in any SUBJECT TOYOTA VEHICLES.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating, applying, or implementing any standards, policies, procedures, and practices regarding any warranty claims regarding UA, pedals, floor mats, "surging," "driveability," and/or any potential problems with the ETCS in any SUBJECT TOYOTA VEHICLES.

TSBs/Changes/Revisions/Modifications/Recalibrations

- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any Technical Service Bulletins issued by TOYOTA regarding the SUBJECT TOYOTA VEHICLES.

- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for creating, applying, or implementing any standards, policies, procedures, and practices regarding any Technical Service Bulletins issued by TOYOTA regarding the SUBJECT TOYOTA VEHICLES.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any changes, revisions, modifications, or recalibrations in the ETCS of the SUBJECT TOYOTA VEHICLES since 1998.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any changes, revisions, modifications, or recalibrations in the ETCS of the SUBJECT TOYOTA VEHICLES since 1998.
- The nature and location of all DOCUMENTS at TOYOTA related to or regarding any changes, revisions, modifications, or recalibrations in or of the SUBJECT TOYOTA VEHICLES since 1998.
- The identity of all persons, divisions, entities and/or affiliates that were and/or are responsible for any changes, revisions, modifications, or recalibrations in or the SUBJECT VEHICLES since 1998.

EXHIBIT B

Toyota Vehicles with ETCS-i

Year	Make	Model	Engine	ETCS-i	Vehicle Model/Engine Code
2009	Toyota	Highlander	1AR-FE	Yes	2009 Highlander Model Code
2009	Toyota	Venza	1AR-FE	Yes	2009 Venza Model Code
2010	Toyota	Highlander	1AR-FE	Yes	2010 Highlander Model Code
2010	Toyota	Venza	1AR-FE	Yes	2010 Venza Model Code
2001	Toyota	RAV4	1AZ-FE	No	2001 RAV4 Model Code
2002	Toyota	RAV4	1AZ-FE	No	2002 RAV4 Model Code
2003	Toyota	RAV4	1AZ-FE	No	2003 RAV4 Model Code
2003	Toyota	4Runner	1GR-FE	Yes	2003 4Runner Model Code
2004	Toyota	4Runner	1GR-FE	Yes	2004 4Runner Model Code
2005	Toyota	4Runner	1GR-FE	Yes	2005 4Runner Model Code
2005	Toyota	Tacoma	1GR-FE	Yes	2005 Tacoma Model Code
2005	Toyota	Tundra	1GR-FE	Yes	2005 Tundra Model Code
2006	Toyota	4Runner	1GR-FE	Yes	2006 4Runner Model Code
2006	Toyota	Tacoma	1GR-FE	Yes	2006 Tacoma Model Code
2006	Toyota	Tundra	1GR-FE	Yes	2006 Tundra Model Code
2007	Toyota	4Runner	1GR-FE	Yes	2007 4Runner Model Code
2007	Toyota	FJ Cruiser	1GR-FE	Yes	2007 FJ Cruiser Model Code
2007	Toyota	Tacoma	1GR-FE	Yes	2007 Tacoma Model Code
2007	Toyota	Tundra	1GR-FE	Yes	2007 Tundra Model Code
2008	Toyota	4Runner	1GR-FE	Yes	2008 4Runner Model Code
2008	Toyota	FJ Cruiser	1GR-FE	Yes	2008 FJ Cruiser Model Code
2008	Toyota	Tacoma	1GR-FE	Yes	2008 Tacoma Model Code
2008	Toyota	Tundra	1GR-FE	Yes	2008 Tundra Model Code
2009	Toyota	4Runner	1GR-FE	Yes	2009 4Runner Model Code
2009	Toyota	FJ Cruiser	1GR-FE	Yes	2009 FJ Cruiser Model Code
2009	Toyota	Tacoma	1GR-FE	Yes	2009 Tacoma Model Code
2009	Toyota	Tundra	1GR-FE	Yes	2009 Tundra Model Code
2010	Toyota	4Runner	1GR-FE	Yes	2010 4Runner Model Code
2010	Toyota	FJ Cruiser	1GR-FE	Yes	2010 FJ Cruiser Model Code
2010	Toyota	Tacoma	1GR-FE	Yes	2010 Tacoma Model Code
2010	Toyota	Tundra	1GR-FE	Yes	2010 Tundra Model Code
1998	Toyota	Sienna	1MZ-FE	No	1998 Sienna Model Code
1999	Lexus	ES300	1MZ-FE	No	1999 ES300 Model Code
1999	Lexus	RX300	1MZ-FE	No	1999 RX300 Model Code
1999	Toyota	Camry	1MZ-FE	No	1999 Camry Model Code
1999	Toyota	Sienna	1MZ-FE	No	1999 Sienna Model Code
2000	Lexus	ES300	1MZ-FE	No	2000 ES300 Model Code
2000	Lexus	RX300	1MZ-FE	No	2000 RX300 Model Code
2000	Toyota	Avalon	1MZ-FE	No	2000 Avalon Model Code
2000	Toyota	Camry	1MZ-FE	No	2000 Camry Model Code
2000	Toyota	Sienna	1MZ-FE	No	2000 Sienna Model Code
2001	Lexus	ES300	1MZ-FE	No	2001 ES300 Model Code
2001	Lexus	RX300	1MZ-FE	No	2001 RX300 Model Code
2001	Toyota	Avalon	1MZ-FE	No	2001 Avalon Model Code
2001	Toyota	Camry	1MZ-FE	No	2001 Camry Model Code
2001	Toyota	Highlander	1MZ-FE	No	2001 Highlander Model Code
2001	Toyota	Sienna	1MZ-FE	No	2001 Sienna Model Code

EXHIBIT B

Toyota Vehicles with ETCS-i

2001	Toyota	Solara	1MZ-FE	No	2001 Solara Model Code
2002	Lexus	ES300	1MZ-FE	Yes	2002 ES300 Model Code
2002	Lexus	RX300	1MZ-FE	No	2002 RX300 Model Code
2002	Toyota	Avalon	1MZ-FE	No	2002 Avalon Model Code
2002	Toyota	Camry	1MZ-FE	Yes	2002 Camry Model Code
2002	Toyota	High	1MZ-FE	No	2002 Highlander Model Code
2002	Toyota	Sienna	1MZ-FE	No	2002 Sienna Model Code
2002	Toyota	Solara	1MZ-FE	No	2002 Solara Model Code
2003	Lexus	ES300	1MZ-FE	Yes	2003 ES300 Model Code
2003	Lexus	RX300	1MZ-FE	No	2003 RX300 Model Code
2003	Toyota	Avalon	1MZ-FE	No	2003 Avalon Model Code
2003	Toyota	Camry	1MZ-FE	Yes	2003 Camry Model Code
2003	Toyota	Highlander	1MZ-FE	No	2003 Highlander Model Code
2003	Toyota	Sienna	1MZ-FE	No	2003 Sienna Model Code
2003	Toyota	Solara	1MZ-FE	No	2003 Solara Model Code
2004	Toyota	Avalon	1MZ-FE	No	2004 Avalon Model Code
2004	Toyota	Camry	1MZ-FE	Yes	2004 Camry Model Code
2005	Toyota	Camry	1MZ-FE	Yes	2005 Camry Model Code
2006	Toyota	Camry	1MZ-FE	Yes	2006 Camry Model Code
2000	Toyota	Echo	1NZ-FE	No	2000 Echo Model Code
2001	Toyota	Echo	1NZ-FE	No	2001 Echo Model Code
2002	Toyota	Echo	1NZ-FE	No	2002 Echo Model Code
2003	Toyota	Echo	1NZ-FE	No	2003 Echo Model Code
2004	Scion	xA	1NZ-FE	No	2004 xA Model Code
2004	Scion	xB	1NZ-FE	No	2004 xB Model Code
2004	Toyota	Echo	1NZ-FE	No	2004 Echo Model Code
2005	Scion	xA	1NZ-FE	No	2005 xA Model Code
2005	Scion	xB	1NZ-FE	No	2005 xB Model Code
2005	Toyota	Echo	1NZ-FE	No	2005 Echo Model Code
2006	Scion	xA	1NZ-FE	No	2006 xA Model Code
2006	Scion	xB	1NZ-FE	No	2006 xB Model Code
2006	Toyota	Yaris	1NZ-FE	Yes	2006 Yaris Model Code
2007	Toyota	Yaris	1NZ-FE	Yes	2007 Yaris Model Code
2008	Toyota	Yaris	1NZ-FE	Yes	2008 Yaris Model Code
2009	Toyota	Yaris	1NZ-FE	Yes	2009 Yaris Model Code
2010	Toyota	Yaris	1NZ-FE	Yes	2010 Yaris Model Code
2001	Toyota	Prius	1NZ-FXE	Yes	2001 Prius Model Code
2002	Toyota	Prius	1NZ-FXE	Yes	2002 Prius Model Code
2003	Toyota	Prius	1NZ-FXE	Yes	2003 Prius Model Code
2004	Toyota	Prius	1NZ-FXE	Yes	2004 Prius Model Code
2005	Toyota	Prius	1NZ-FXE	Yes	2005 Prius Model Code
2006	Toyota	Prius	1NZ-FXE	Yes	2006 Prius Model Code
2007	Toyota	Prius	1NZ-FXE	Yes	2007 Prius Model Code
2008	Toyota	Prius	1NZ-FXE	Yes	2008 Prius Model Code
2009	Toyota	Prius	1NZ-FXE	Yes	2009 Prius Model Code
2004	Toyota	Yaris	1SZ-FE	Yes	2004 Yaris Model Code
2005	Toyota	Yaris	1SZ-FE	Yes	2005 Yaris Model Code
2010	Toyota	Sequoia	1UR-FE	Yes	2010 Sequoia Model Code
2010	Toyota	Tundra	1UR-FE	Yes	2010 Tundra Model Code
2007	Lexus	LS460	1UR-FSE	Yes	2007 LS460 Model Code

EXHIBIT B

Toyota Vehicles with ETCS-i

2008	Lexus	GS460	1UR-FSE	Yes	2008 GS460 Model Code
2008	Lexus	LS460	1UR-FSE	Yes	2008 LS460 Model Code
2009	Lexus	GS460	1UR-FSE	Yes	2009 GS460 Model Code
2009	Lexus	LS460	1UR-FSE	Yes	2009 LS460 Model Code
2010	Lexus	GS460	1UR-FSE	Yes	2010 GS460 Model Code
2010	Lexus	LS460	1UR-FSE	Yes	2010 LS460 Model Code
1998	Lexus	GS400	1UZ-FE	Yes	1998 GS400 Model Code
1998	Lexus	IS400	1UZ-FE	Yes	1998 LS400 Model Code
1998	Lexus	SC400	1UZ-FE	Yes	1998 SC400 Model Code
1999	Lexus	GS400	1UZ-FE	Yes	1999 GS400 Model Code
1999	Lexus	IS400	1UZ-FE	Yes	1999 LS400 Model Code
1999	Lexus	SC400	1UZ-FE	Yes	1999 SC400 Model Code
2000	Lexus	GS400	1UZ-FE	Yes	2000 GS400 Model Code
2000	Lexus	IS400	1UZ-FE	Yes	2000 LS400 Model Code
2000	Lexus	SC400	1UZ-FE	Yes	2000 SC400 Model Code
2000	Toyota	Celica	1ZZ-FE	No	2000 Celica Model Code
2000	Toyota	Corolla	1ZZ-FE	No	2000 Corolla Model Code
2000	Toyota	MR2 Spyder	1ZZ-FE	No	2000 MR2 Spyder Model Code
2001	Toyota	Celica	1ZZ-FE	No	2001 Celica Model Code
2001	Toyota	Corolla	1ZZ-FE	No	2001 Corolla Model Code
2001	Toyota	MR2 Spyder	1ZZ-FE	Yes	2001 MR2 Spyder Model Code
2002	Toyota	Celica	1ZZ-FE	No	2002 Celica Model Code
2002	Toyota	Corolla	1ZZ-FE	No	2002 Corolla Model Code
2002	Toyota	MR2 Spyder	1ZZ-FE	Yes	2002 MR2 Spyder Model Code
2003	Toyota	Celica	1ZZ-FE	No	2003 Celica Model Code
2003	Toyota	Corolla	1ZZ-FE	No	2003 Corolla Model Code
2003	Toyota	Matrix	1ZZ-FE	No	2003 Matrix Model Code
2003	Toyota	MR2 Spyder	1ZZ-FE	Yes	2003 MR2 Spyder Model Code
2004	Toyota	Celica	1ZZ-FE	No	2004 Celica Model Code
2004	Toyota	Corolla	1ZZ-FE	No	2004 Corolla Model Code
2004	Toyota	Matrix	1ZZ-FE	No	2004 Matrix Model Code
2004	Toyota	MR2 Spyder	1ZZ-FE	Yes	2004 MR2 Spyder Model Code
2005	Toyota	Celica	1ZZ-FE	No	2005 Celica Model Code
2005	Toyota	Corolla	1ZZ-FE	Yes	2005 Corolla Model Code
2005	Toyota	Matrix	1ZZ-FE	Yes	2005 Matrix Model Code
2005	Toyota	MR2 Spyder	1ZZ-FE	Yes	2005 MR2 Spyder Model Code
2006	Toyota	Corolla	1ZZ-FE	Yes	2006 Corolla Model Code
2006	Toyota	Corolla	1ZZ-FE	Yes	2006 Corolla Model Code
2006	Toyota	Matrix	1ZZ-FE	Yes	2006 Matrix Model Code
2007	Toyota	Corolla	1ZZ-FE	Yes	2007 Corolla Model Code
2007	Toyota	Matrix	1ZZ-FE	Yes	2007 Matrix Model Code
2008	Toyota	Corolla	1ZZ-FE	Yes	2008 Corolla Model Code
2008	Toyota	Matrix	1ZZ-FE	Yes	2008 Matrix Model Code
2006	Toyota	Matrix	1ZZ-FE (4WD)	No	2006 Matrix Model Code
2006	Toyota	Matrix	1ZZ-FE (4WD)	No	2006 Matrix Model Code
2006	Toyota	Matrix	1ZZ-FE (4WD)	No	2006 Matrix Model Code

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Toyota Vehicles with ETCS-i

2009	Toyota	RAV4	2AR-FE	Yes	2009 RAV4 Model Code
2010	Toyota	Camry	2AR-FE	Yes	2010 Camry Model Code
2010	Toyota	RAV4	2AR-FE	Yes	2010 RAV4 Model Code
2001	Toyota	Highlander	2AZ-FE	No	2001 Highlander Model Code
2002	Toyota	Camry	2AZ-FE	Yes	2002 Camry Model Code
2002	Toyota	Highlander	2AZ-FE	No	2002 Highlander Model Code
2002	Toyota	Solara	2AZ-FE	Yes	2002 Solara Model Code
2003	Toyota	Camry	2AZ-FE	Yes	2003 Camry Model Code
2003	Toyota	Highlander	2AZ-FE	No	2003 Highlander Model Code
2003	Toyota	Solara	2AZ-FE	Yes	2003 Solara Model Code
2004	Toyota	Camry	2AZ-FE	Yes	2004 Camry Model Code
2004	Toyota	Highlander	2AZ-FE	Yes	2004 Highlander Model Code
2004	Toyota	RAV4	2AZ-FE	Yes	2004 RAV4 Model Code
2005	Scion	tC	2AZ-FE	Yes	2005 tC Model Code
2005	Toyota	Camry	2AZ-FE	Yes	2005 Camry Model Code
2005	Toyota	Highlander	2AZ-FE	Yes	2005 Highlander Model Code
2005	Toyota	RAV4	2AZ-FE	Yes	2005 RAV4 Model Code
2005	Toyota	Solara	2AZ-FE	Yes	2005 Solara Model Code
2006	Scion	tC	2AZ-FE	Yes	2006 tC Model Code
2006	Toyota	Camry	2AZ-FE	Yes	2006 Camry Model Code
2006	Toyota	Highlander	2AZ-FE	Yes	2006 Highlander Model Code
2006	Toyota	RAV4	2AZ-FE	Yes	2006 RAV4 Model Code
2006	Toyota	Solara	2AZ-FE	Yes	2006 Solara Model Code
2007	Scion	tC	2AZ-FE	Yes	2007 tC Model Code
2007	Toyota	Camry	2AZ-FE	Yes	2007 Camry Model Code
2007	Toyota	Highlander	2AZ-FE	Yes	2007 Highlander Model Code
2007	Toyota	RAV4	2AZ-FE	Yes	2007 RAV4 Model Code
2007	Toyota	Solara	2AZ-FE	Yes	2007 Solara Model Code
2008	Scion	tC	2AZ-FE	Yes	2008 tC Model Code
2008	Scion	tC	2AZ-FE	Yes	2009 tC Model Code
2008	Scion	xB	2AZ-FE	Yes	2008 xB Model Code
2008	Toyota	Camry	2AZ-FE	Yes	2008 Camry Model Code
2008	Toyota	RAV4	2AZ-FE	Yes	2008 RAV4 Model Code
2008	Toyota	Solara	2AZ-FE	Yes	2008 Solara Model Code
2009	Scion	xB	2AZ-FE	Yes	2009 xB Model Code
2009	Toyota	Camry	2AZ-FE	Yes	2008 Camry Model Code
2009	Toyota	Corolla	2AZ-FE	Yes	2009 Corolla Model Code
2009	Toyota	Matrix	2AZ-FE	Yes	2009 Matrix Model Code
2010	Scion	tC	2AZ-FE	Yes	2010 tC Model Code
2010	Scion	xB	2AZ-FE	Yes	2010 xB Model Code
2010	Toyota	Corolla	2AZ-FE	Yes	2010 Corolla Model Code
2010	Toyota	Matrix	2AZ-FE	Yes	2010 Matrix Model Code
2007	Toyota	Camry HV	2AZ-FXE	Yes	2007 Camry HV Model Code
2008	Toyota	Camry HV	2AZ-FXE	Yes	2008 Camry HV Model Code

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Toyota Vehicles with ETCS-i

2009	Toyota	Camry HV	2AZ-FXE	Yes	2009 Camry HV Model Code
2010	Lexus	HS250h	2AZ-FXE	Yes	2010 HS250h Model Code
2010	Toyota	Camry HV	2AZ-FXE	Yes	2010 Camry HV Model Code
2005	Toyota	Avalon	2GR-FE	Yes	2005 Avalon Model Code
2006	Toyota	Avalon	2GR-FE	Yes	2006 Avalon Model Code
2006	Toyota	RAV4	2GR-FE	Yes	2006 RAV4 Model Code
2007	Lexus	ES350	2GR-FE	Yes	2007 ES350 Model Code
2007	Lexus	RX350	2GR-FE	Yes	2007 RX350 Model Code
2007	Toyota	Avalon	2GR-FE	Yes	2007 Avalon Model Code
2007	Toyota	Camry	2GR-FE	Yes	2007 Camry Model Code
2007	Toyota	RAV4	2GR-FE	Yes	2007 RAV4 Model Code
2007	Toyota	Sienna	2GR-FE	Yes	2007 Sienna Model Code
2008	Lexus	ES350	2GR-FE	Yes	2008 ES350 Model Code
2008	Lexus	RX350	2GR-FE	Yes	2008 RX350 Model Code
2008	Toyota	Avalon	2GR-FE	Yes	2008 Avalon Model Code
2008	Toyota	Camry	2GR-FE	Yes	2008 Camry Model Code
2008	Toyota	Highlander	2GR-FE	Yes	2008 Highlander Model Code
2008	Toyota	RAV4	2GR-FE	Yes	2008 RAV4 Model Code
2008	Toyota	Sienna	2GR-FE	Yes	2008 Sienna Model Code
2009	Lexus	ES350	2GR-FE	Yes	2009 ES350 Model Code
2009	Lexus	RX350	2GR-FE	Yes	2009 RX350 Model Code
2009	Toyota	Avalon	2GR-FE	Yes	2009 Avalon Model Code
2009	Toyota	Camry	2GR-FE	Yes	2009 Camry Model Code
2009	Toyota	Highlander	2GR-FE	Yes	2009 Highlander Model Code
2009	Toyota	RAV4	2GR-FE	Yes	2009 RAV4 Model Code
2009	Toyota	Sienna	2GR-FE	Yes	2009 Sienna Model Code
2009	Toyota	Venza	2GR-FE	Yes	2009 Venza Model Code
2010	Lexus	ES350	2GR-FE	Yes	2010 ES350 Model Code
2010	Lexus	RX350	2GR-FE	Yes	2010 RX350 Model Code
2010	Toyota	Avalon	2GR-FE	Yes	2010 Avalon Model Code
2010	Toyota	Camry	2GR-FE	Yes	2010 Camry Model Code
2010	Toyota	Highlander	2GR-FE	Yes	2010 Highlander Model Code
2010	Toyota	RAV4	2GR-FE	Yes	2010 RAV4 Model Code
2010	Toyota	Sienna	2GR-FE	Yes	2010 Sienna Model Code
2010	Toyota	Venza	2GR-FE	Yes	2010 Venza Model Code
2006	Lexus	IS350	2GR-FSE	Yes	2006 IS350 Model Code
2007	Lexus	GS350	2GR-FSE	Yes	2007 GS350 Model Code
2007	Lexus	GS450h	2GR-FSE	Yes	2007 GS450h Model Code
2007	Lexus	IS350	2GR-FSE	Yes	2007 IS350 Model Code
2008	Lexus	GS350	2GR-FSE	Yes	2008 GS350 Model Code
2008	Lexus	GS450h	2GR-FSE	Yes	2008 GS450h Model Code
2008	Lexus	IS350	2GR-FSE	Yes	2008 IS350 Model Code
2009	Lexus	GS350	2GR-FSE	Yes	2009 GS350 Model Code
2009	Lexus	GS450h	2GR-FSE	Yes	2009 GS450h Model Code
2009	Lexus	IS350	2GR-FSE	Yes	2009 IS350 Model Code
2010	Lexus	GS350	2GR-FSE	Yes	2010 GS350 Model Code
2010	Lexus	GS450h	2GR-FSE	Yes	2010 GS450h Model Code

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Toyota Vehicles with ETCS-i

2010	Lexus	IS350	2GR-FSE	Yes	2010 IS350 Model Code
2010	Lexus	IS350C	2GR-FSE	Yes	2010 IS350C Model Code
2010	Lexus	RX450h	2GR-FXE	Yes	2010 RX450h Model Code
1998	Lexus	GS300	2JZ-GE	Yes	1998 GS300 Model Code
1998	Lexus	SC300	2JZ-GE	Yes	1998 SC300 Model Code
1998	Lexus	SC400	2JZ-GE	Yes	1998 SC400 Model Code
1998	Toyota	Supra	2JZ-GE	Yes	1998 Supra Model Code
1999	Lexus	GS300	2JZ-GE	Yes	1999 GS300 Model Code
1999	Lexus	SC300	2JZ-GE	Yes	1999 SC300 Model Code
2000	Lexus	GS300	2JZ-GE	Yes	2000 GS300 Model Code
2000	Lexus	SC300	2JZ-GE	Yes	2000 SC300 Model Code
2001	Lexus	GS300	2JZ-GE	Yes	2001 GS300 Model Code
2001	Lexus	IS300	2JZ-GE	Yes	2001 IS300 Model Code
2002	Lexus	GS300	2JZ-GE	Yes	2002 GS300 Model Code
2002	Lexus	IS300	2JZ-GE	Yes	2002 IS300 Model Code
2003	Lexus	GS300	2JZ-GE	Yes	2003 GS300 Model Code
2003	Lexus	IS300	2JZ-GE	Yes	2003 IS300 Model Code
2004	Lexus	GS300	2JZ-GE	Yes	2004 GS300 Model Code
2004	Lexus	IS300	2JZ-GE	Yes	2004 IS300 Model Code
2005	Lexus	GS300	2JZ-GE	Yes	2005 GS300 Model Code
2005	Lexus	IS300	2JZ-GE	Yes	2005 IS300 Model Code
1998	Toyota	Supra	2JZ-GTE	No	1998 Supra Model Code
1999	Toyota	Tacoma	2RZ-FE	No	1999 Tacoma Model Code
2000	Toyota	Tacoma	2RZ-FE	No	2000 Tacoma Model Code
2001	Toyota	Tacoma	2RZ-FE	No	2001 Tacoma Model Code
2002	Toyota	Tacoma	2RZ-FE	No	2002 Tacoma Model Code
2003	Toyota	Tacoma	2RZ-FE	No	2003 Tacoma Model Code
2004	Toyota	Tacoma	2RZ-FE	No	2004 Tacoma Model Code
2005	Toyota	Tacoma	2TR-FE	Yes	2005 Tacoma Model Code
2006	Toyota	Tacoma	2TR-FE	Yes	2006 Tacoma Model Code
2007	Toyota	Tacoma	2TR-FE	Yes	2007 Tacoma Model Code
2008	Toyota	Tacoma	2TR-FE	Yes	2008 Tacoma Model Code
2009	Toyota	Tacoma	2TR-FE	Yes	2009 Tacoma Model Code
2010	Toyota	4Runner	2TR-FE	Yes	2010 4Runner Model Code
2010	Toyota	Tacoma	2TR-FE	Yes	2010 Tacoma Model Code
2008	Lexus	LS600h	2UR-FSE	Yes	2008 LS600h Model Code
2009	Lexus	LS600h	2UR-FSE	Yes	2009 LS600h Model Code
2008	Lexus	IS F	2UR-GSE	Yes	2008 IS F Model Code
2009	Lexus	IS F	2UR-GSE	Yes	2009 IS F Model Code
2010	Lexus	IS F	2UR-GSE	Yes	2010 IS F Model Code
1998	Lexus	LX470	2UZ-FE	Yes	1998 LX470 Model Code
1998	Toyota	Land Cruiser	2UZ-FE	Yes	1998 Land Cruiser Model Code
1999	Lexus	LX470	2UZ-FE	Yes	1999 LX470 Model Code
1999	Toyota	Land Cruiser	2UZ-FE	Yes	1999 Land Cruiser Model Code
2000	Lexus	LX470	2UZ-FE	Yes	2000 LX470 Model Code
2000	Toyota	Land Cruiser	2UZ-FE	Yes	2000 Land Cruiser Model Code
2000	Toyota	Tundra	2UZ-FE	Yes	2000 Tundra Model Code
2001	Lexus	LX470	2UZ-FE	Yes	2001 LX470 Model Code
2001	Lexus	LX470	2UZ-FE	Yes	2002 LX470 Model Code

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Toyota Vehicles with ETCS-i

2001	Toyota	Land Cruiser	2UZ-FE	Yes	2001 Land Cruiser Model Code
2001	Toyota	Sequoia	2UZ-FE	Yes	2001 Sequoia Model Code
2001	Toyota	Tundra	2UZ-FE	Yes	2001 Tundra Model Code
2002	Lexus	LX470	2UZ-FE	Yes	2003 LX470 Model Code
2002	Toyota	Land Cruiser	2UZ-FE	Yes	2002 Land Cruiser Model Code
2002	Toyota	Sequoia	2UZ-FE	Yes	2002 Sequoia Model Code
2002	Toyota	Tundra	2UZ-FE	Yes	2002 Tundra Model Code
2003	Lexus	GX470	2UZ-FE	Yes	2003 GX470 Model Code
2003	Lexus	LX470	2UZ-FE	Yes	2004 LX470 Model Code
2003	Toyota	4Runner	2UZ-FE	Yes	2003 4Runner Model Code
2003	Toyota	Land Cruiser	2UZ-FE	Yes	2003 Land Cruiser Model Code
2003	Toyota	Sequoia	2UZ-FE	Yes	2003 Sequoia Model Code
2003	Toyota	Tundra	2UZ-FE	Yes	2003 Tundra Model Code
2004	Lexus	GX470	2UZ-FE	Yes	2004 GX470 Model Code
2004	Lexus	LX470	2UZ-FE	Yes	2005 LX470 Model Code
2004	Toyota	4Runner	2UZ-FE	Yes	2004 4Runner Model Code
2004	Toyota	Land Cruiser	2UZ-FE	Yes	2004 Land Cruiser Model Code
2004	Toyota	Sequoia	2UZ-FE	Yes	2004 Sequoia Model Code
2004	Toyota	Tundra	2UZ-FE	Yes	2004 Tundra Model Code
2005	Lexus	GX470	2UZ-FE	Yes	2005 GX470 Model Code
2005	Toyota	4Runner	2UZ-FE	Yes	2005 4Runner Model Code
2005	Toyota	Land Cruiser	2UZ-FE	Yes	2005 Land Cruiser Model Code
2005	Toyota	Sequoia	2UZ-FE	Yes	2005 Sequoia Model Code
2005	Toyota	Tundra	2UZ-FE	Yes	2005 Tundra Model Code
2006	Lexus	GX470	2UZ-FE	Yes	2006 GX470 Model Code
2006	Lexus	LX470	2UZ-FE	Yes	2006 LX470 Model Code
2006	Toyota	4Runner	2UZ-FE	Yes	2006 4Runner Model Code
2006	Toyota	Land Cruiser	2UZ-FE	Yes	2006 Land Cruiser Model Code
2006	Toyota	Sequoia	2UZ-FE	Yes	2006 Sequoia Model Code
2006	Toyota	Tundra	2UZ-FE	Yes	2006 Tundra Model Code
2007	Lexus	GX470	2UZ-FE	Yes	2007 GX470 Model Code
2007	Lexus	LX470	2UZ-FE	Yes	2007 LX470 Model Code
2007	Toyota	4Runner	2UZ-FE	Yes	2007 4Runner Model Code
2007	Toyota	Land Cruiser	2UZ-FE	Yes	2007 Land Cruiser Model Code
2007	Toyota	Sequoia	2UZ-FE	Yes	2007 Sequoia Model Code
2007	Toyota	Tundra	2UZ-FE	Yes	2007 Tundra Model Code
2008	Lexus	GX470	2UZ-FE	Yes	2008 GX470 Model Code
2008	Toyota	4Runner	2UZ-FE	Yes	2008 4Runner Model Code
2008	Toyota	Sequoia	2UZ-FE	Yes	2008 Sequoia Model Code
2008	Toyota	Tundra	2UZ-FE	Yes	2008 Tundra Model Code
2009	Lexus	GX470	2UZ-FE	Yes	2009 GX470 Model Code
2009	Toyota	4Runner	2UZ-FE	Yes	2009 4Runner Model Code
2009	Toyota	Sequoia	2UZ-FE	Yes	2009 Sequoia Model Code
2009	Toyota	Tundra	2UZ-FE	Yes	2009 Tundra Model Code
2008	Scion	xD	2ZR-FE	Yes	2008 xD Model Code

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Toyota Vehicles with ETCS-i

2009	Scion	xD	2ZR-FE	Yes	2009 xD Model Code
2009	Toyota	Corolla	2ZR-FE	Yes	2009 Corolla Model Code
2009	Toyota	Matrix	2ZR-FE	Yes	2009 Matrix Model Code
2010	Scion	xD	2ZR-FE	Yes	2010 xD Model Code
2010	Toyota	Corolla	2ZR-FE	Yes	2010 Corolla Model Code
2010	Toyota	Matrix	2ZR-FE	Yes	2010 Matrix Model Code
2010	Toyota	Prius	2ZR-FXE	Yes	2010 Prius Model Code
2000	Toyota	Celica	2ZZ-GE	No	2000 Celica Model Code
2001	Toyota	Celica	2ZZ-GE	No	2001 Celica Model Code
2002	Toyota	Celica	2ZZ-GE	No	2002 Celica Model Code
2003	Toyota	Celica	2ZZ-GE	Yes	2003 Celica Model Code
2003	Toyota	Matrix	2ZZ-GE	No	2003 Matrix Model Code
2004	Toyota	Celica	2ZZ-GE	Yes	2004 Celica Model Code
2004	Toyota	Matrix	2ZZ-GE	No	2004 Matrix Model Code
2005	Toyota	Celica	2ZZ-GE	Yes	2005 Celica Model Code
2005	Toyota	Corolla	2ZZ-GE	No	2005 Corolla Model Code
2005	Toyota	Matrix	2ZZ-GE	No	2005 Matrix Model Code
2006	Toyota	Corolla	2ZZ-GE	No	2006 Corolla Model Code
2006	Toyota	Matrix	2ZZ-GE	No	2006 Matrix Model Code
2006	Lexus	GS300	3GR-FSE	Yes	2006 GS300 Model Code
2004	Lexus	ES330	3MZ-FE	Yes	2004 ES330 Model Code
2004	Lexus	RX330	3MZ-FE	Yes	2004 RX330 Model Code
2004	Toyota	Camry	3MZ-FE	Yes	2004 Camry Model Code
2004	Toyota	Highlander	3MZ-FE	Yes	2004 Highlander Model Code
2004	Toyota	Sienna	3MZ-FE	Yes	2004 Sienna Model Code
2004	Toyota	Solara	3MZ-FE	Yes	2004 Solara Model Code
2005	Lexus	ES330	3MZ-FE	Yes	2005 ES330 Model Code
2005	Lexus	RX330	3MZ-FE	Yes	2005 RX330 Model Code
2005	Toyota	Camry	3MZ-FE	Yes	2005 Camry Model Code
2005	Toyota	Highlander	3MZ-FE	Yes	2005 Highlander Model Code
2005	Toyota	Sienna	3MZ-FE	Yes	2005 Sienna Model Code
2005	Toyota	Solara	3MZ-FE	Yes	2005 Solara Model Code
2006	Lexus	ES330	3MZ-FE	Yes	2006 ES330 Model Code
2006	Lexus	RX330	3MZ-FE	Yes	2006 RX330 Model Code
2006	Lexus	RX400h	3MZ-FE	Yes	2006 RX400h Model Code
2006	Toyota	Camry	3MZ-FE	Yes	2006 Camry Model Code
2006	Toyota	Highlander	3MZ-FE	Yes	2006 Highlander Model Code
2006	Toyota	Highlander HV	3MZ-FE	Yes	2006 Highlander HV Model Code
2006	Toyota	Sienna	3MZ-FE	Yes	2006 Sienna Model Code
2006	Toyota	Solara	3MZ-FE	Yes	2006 Solara Model Code
2007	Lexus	RX400h	3MZ-FE	Yes	2007 RX400h Model Code
2007	Toyota	Highlander	3MZ-FE	Yes	2007 Highlander Model Code
2007	Toyota	Highlander HV	3MZ-FE	Yes	2007 Highlander HV Model Code
2007	Toyota	Solara	3MZ-FE	Yes	2007 Solara Model Code
2008	Lexus	RX400h	3MZ-FE	Yes	2008 RX400h Model Code

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Toyota Vehicles with ETCS-i

2008	Toyota	Highlander HV	3MZ-FE	Yes	2008 Highlander HV Model Code
2008	Toyota	Solara	3MZ-FE	Yes	2008 Solara Model Code
2009	Toyota	Highlander HV	3MZ-FE	Yes	2009 Highlander HV Model Code
2010	Toyota	Highlander HV	3MZ-FE	Yes	2010 Highlander HV Model Code
1999	Toyota	Tacoma	3RZ-FE	No	1999 Tacoma Model Code
2000	Toyota	Tacoma	3RZ-FE	No	2000 Tacoma Model Code
2001	Toyota	Tacoma	3RZ-FE	No	2001 Tacoma Model Code
2002	Toyota	Tacoma	3RZ-FE	No	2002 Tacoma Model Code
2003	Toyota	Tacoma	3RZ-FE	No	2003 Tacoma Model Code
2004	Toyota	Tacoma	3RZ-FE	No	2004 Tacoma Model Code
1999	Toyota	RAV4	3S-FE	No	1999 RAV4 Model Code
2000	Toyota	RAV4	3S-FE	No	2000 RAV4 Model Code
2007	Toyota	Avanza	3SZ-VE	No	2007 Avanza Model Code
2008	Toyota	Avanza	3SZ-VE	No	2008 Avanza Model Code
2009	Toyota	Avanza	3SZ-VE	No	2009 Avanza Model Code
2010	Toyota	Avanza	3SZ-VE	No	2010 Avanza Model Code
2009	Toyota	Sequoia	3UR-FBE	Yes	2009 Sequoia Model Code
2009	Toyota	Tundra	3UR-FBE	Yes	2009 Tundra Model Code
2010	Toyota	Sequoia	3UR-FBE	Yes	2010 Sequoia Model Code
2010	Toyota	Tundra	3UR-FBE	Yes	2010 Tundra Model Code
2007	Toyota	Tundra	3UR-FE	Yes	2007 Tundra Model Code
2008	Lexus	LX570	3UR-FE	Yes	2008 LX570 Model Code
2008	Toyota	Land Cruiser	3UR-FE	Yes	2008 Land Cruiser Model Code
2008	Toyota	Sequoia	3UR-FE	Yes	2008 Sequoia Model Code
2008	Toyota	Tundra	3UR-FE	Yes	2008 Tundra Model Code
2009	Lexus	LX570	3UR-FE	Yes	2009 LX570 Model Code
2009	Toyota	Land Cruiser	3UR-FE	Yes	2009 Land Cruiser Model Code
2009	Toyota	Sequoia	3UR-FE	Yes	2009 Sequoia Model Code
2009	Toyota	Tundra	3UR-FE	Yes	2009 Tundra Model Code
2010	Lexus	LX570	3UR-FE	Yes	2010 LX570 Model Code
2010	Toyota	Land Cruiser	3UR-FE	Yes	2010 Land Cruiser Model Code
2010	Toyota	Sequoia	3UR-FE	Yes	2010 Sequoia Model Code
2010	Toyota	Tundra	3UR-FE	Yes	2010 Tundra Model Code
2001	Lexus	GS430	3UZ-FE	Yes	2001 GS430 Model Code
2001	Lexus	LS430	3UZ-FE	Yes	2001 LS430 Model Code
2002	Lexus	GS430	3UZ-FE	Yes	2002 GS430 Model Code
2002	Lexus	LS430	3UZ-FE	Yes	2002 LS430 Model Code
2002	Lexus	SC430	3UZ-FE	Yes	2002 SC430 Model Code
2003	Lexus	GS430	3UZ-FE	Yes	2003 GS430 Model Code
2003	Lexus	LS430	3UZ-FE	Yes	2003 LS430 Model Code
2003	Lexus	SC430	3UZ-FE	Yes	2003 SC430 Model Code
2004	Lexus	GS430	3UZ-FE	Yes	2004 GS430 Model Code
2004	Lexus	LS430	3UZ-FE	Yes	2004 LS430 Model Code
2004	Lexus	SC430	3UZ-FE	Yes	2004 SC430 Model Code
2005	Lexus	GS430	3UZ-FE	Yes	2005 GS430 Model Code
2005	Lexus	LS430	3UZ-FE	Yes	2005 LS430 Model Code

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Toyota Vehicles with ETCS-i

2005	Lexus	SC430	3UZ-FE	Yes	2005 SC430 Model Code
2006	Lexus	GS430	3UZ-FE	Yes	2006 GS430 Model Code
2006	Lexus	LS430	3UZ-FE	Yes	2006 LS430 Model Code
2006	Lexus	SC430	3UZ-FE	Yes	2006 SC430 Model Code
2007	Lexus	GS430	3UZ-FE	Yes	2007 GS430 Model Code
2007	Lexus	SC430	3UZ-FE	Yes	2007 SC430 Model Code
2008	Lexus	SC430	3UZ-FE	Yes	2008 SC430 Model Code
2009	Lexus	SC430	3UZ-FE	Yes	2009 SC430 Model Code
2010	Lexus	SC430	3UZ-FE	Yes	2010 SC430 Model Code
2006	Lexus	IS250	4GR-FSE	Yes	2006 IS250 Model Code
2007	Lexus	IS250	4GR-FSE	Yes	2007 IS250 Model Code
2008	Lexus	IS250	4GR-FSE	Yes	2008 IS250 Model Code
2009	Lexus	IS250	4GR-FSE	Yes	2009 IS250 Model Code
2010	Lexus	IS250	4GR-FSE	Yes	2010 IS250 Model Code
2010	Lexus	IS250C	4GR-FSE	Yes	2010 IS250C Model Code
1999	Toyota	Camry	5S-FE	No	1999 Camry Model Code
2000	Toyota	Camry	5S-FE	No	2000 Camry Model Code
2001	Toyota	Camry	5S-FE	No	2001 Camry Model Code
2001	Toyota	Solara	5S-FE	No	2001 Solara Model Code
2000	Toyota	Camry	5S-FNE	No	2000 Camry Model Code
2001	Toyota	Camry	5S-FNE	No	2001 Camry Model Code
1999	Toyota	Tacoma	5VZ-FE	No	1999 Tacoma Model Code
2000	Toyota	Tacoma	5VZ-FE	No	2000 Tacoma Model Code
2000	Toyota	Tundra	5VZ-FE	No	2000 Tundra Model Code
2001	Toyota	4Runner	5VZ-FE	Yes	2001 4Runner Model Code
2001	Toyota	Tacoma	5VZ-FE	No	2001 Tacoma Model Code
2001	Toyota	Tundra	5VZ-FE	No	2001 Tundra Model Code
2002	Toyota	4Runner	5VZ-FE	Yes	2002 4Runner Model Code
2002	Toyota	Tacoma	5VZ-FE	No	2002 Tacoma Model Code
2002	Toyota	Tundra	5VZ-FE	No	2002 Tundra Model Code
2003	Toyota	Tacoma	5VZ-FE	Yes	2003 Tacoma Model Code
2003	Toyota	Tundra	5VZ-FE	Yes	2003 Tundra Model Code
2004	Toyota	Tacoma	5VZ-FE	Yes	2004 Tacoma Model Code
2004	Toyota	Tundra	5VZ-FE	Yes	2004 Tundra Model Code
2007	Toyota	Avanza	K3-VE	No	2007 Avanza Model Code
2008	Toyota	Avanza	K3-VE	No	2008 Avanza Model Code
2009	Toyota	Avanza	K3-VE	No	2009 Avanza Model Code
2010	Toyota	Avanza	K3-VE	No	2010 Avanza Model Code

EXHIBIT C

I. Subject Vehicles

A. The subject vehicles are described in Master Vehicle List attached hereto as Exhibit A.

B. We are interested in all of the relevant Toyota engine families with ETCS systems, which we understand includes, but may not be limited to the following:

- Toyota 2AR-FE
- Toyota 3S-FE 2.0L I4 (1990–1991) for Camry (engines previously made in Japan and shipped in)
- Toyota 5S-FE 2.2L I4 (1992–2001) for Camry
- Toyota 2AZ-FE 2.4L I4 (2002–2009) for Camry and Camry Solara
- Toyota 2AZ-FXE 2.4L I4/Electric Hybrid (2006–present) for Camry Hybrid
- Toyota 1AR-FE and 2AR-FE 2.7 and 2.5 I4 (2009–present) for Camry (2AR) and Venza (1AR)
- Toyota 3VZ-FE 3.0L V6 (1992–1994) for Camry
- Toyota 1MZ-FE 3.0L V6 (1994–2004) for Camry, Avalon, and Sienna (made elsewhere but shipped in for 2004–2006)
- Toyota 3MZ-FE 3.3L V6 (2004–2006) for 2004–2006 Camry SE and Camry Solara (made elsewhere but shipped in 2006–2008 for Camry Solara)
- Toyota 2GR-FE 3.5L V6 (2006–present) for Camry, Avalon, and Venza

C. Time Period – from 1998 to the present

II. Key Design, Engineering, and Testing Documents

A. Scope

1. The relevant documents for the subject vehicles from 1998 to present
2. The relevant design, engineering, and testing documents for each level -- component level, subsystem level, and system/vehicle level
3. As used in this document, the term document may include electronic documents provided via electronic media.

B. Component Level Documents – All documents that describe, define, and/or specify the following types of components used in the subject Toyota vehicles. Over the timeframe in question, and for each variant of these components, we also hereby request all documents that identify any revisions or version history of each of these components:

1. Electrical / Electronic
   a. Connectors
      1.) Pins/Sockets
      2.) Housing/Shell/
      3.) Primary/Secondary locking mechanism(s)

b. Wiring/Wiring harnesses (including wire type, wire gauges, wire color(s), part number(s), wire, insulation, and assembly specifications)

c. Electronic Modules

1.) Engine Control Module / Powertrain Control Module (ECM aka ECU, or PCM), including but not limited to the following:

a) Electrical schematic showing module interface(s) with vehicle wiring harness and other components.

b) Electrical schematic showing module internal construction and circuit schematic.

c) Printed Circuit board drawing showing component layout.

d) Printed circuit board drawing or files showing trace layout by later (Gerber files or equivalent).

e) Bill of Materials identifying all internal components, part numbers, and vendor(s).

f) Connector documents identifying connector dimensions, physical design, specifications, part number(s), vendor(s), pin locations and circuits, locking mechanisms, connection force(s), disconnect force(s), connection retention force(s)

g) Module environmental specifications.

2.) Transmission Control Module), including but not limited to the following:

a) Electrical schematic showing module interface(s) with vehicle wiring harness and other components.

b) Electrical schematic showing module internal construction and circuit schematic.

c) Printed Circuit board drawing showing component layout.

d) Printed circuit board drawing or files showing trace layout by later (Gerber files or equivalent).

e) Bill of Materials identifying all internal components, part numbers, and vendor(s).

f) Connector documents identifying connector dimensions, physical design, specifications, part number(s), vendor(s), pin locations and circuits, locking mechanisms, connection force(s), disconnect force(s), connection retention force(s)

g) Module environmental specifications.

3.) Hybrid Vehicle Control ECU), including but not limited to the following:

a) Electrical schematic showing module interface(s) with vehicle wiring harness and other components.

b) Electrical schematic showing module internal construction and circuit schematic.

c) Printed Circuit board drawing showing component layout.

d) Printed circuit board drawing or files showing trace layout by later (Gerber files or equivalent).

e) Bill of Materials identifying all internal components, part numbers, and vendor(s).

f) Connector documents identifying connector dimensions, physical design, specifications, part number(s), vendor(s), pin locations and circuits, locking mechanisms, connection force(s), disconnect force(s), connection retention force(s)

g) Module environmental specifications.

4.) Anti-Lock Brakes (ABS)/Traction/Stability Control ECU(s), including but not limited to the following:

a) Electrical schematic showing module interface(s) with vehicle wiring harness and other components.

b) Electrical schematic showing module internal construction and circuit schematic.

c) Printed Circuit board drawing showing component layout.

d) Printed circuit board drawing or files showing trace layout by later (Gerber files or equivalent).

e) Bill of Materials identifying all internal components, part numbers, and vendor(s).

f) Connector documents identifying connector dimensions, physical design, specifications, part number(s), vendor(s), pin locations and circuits, locking mechanisms, connection force(s), disconnect force(s), connection retention force(s)

g) Module environmental specifications.

h) Identify any advanced ESC or ABS system features used on any Toyota vehicles (1998 to present) that are intended to improve brake function during loss of power brake assist.

i) Provide any and all information related to the Electronic Stability Control (ESC) Systems and

AntiLock Braking Systems (ABS) design of the subject vehicles.

5.) Occupant Restraint/Airbag Control Module), including but not limited to the following:

a) Electrical schematic showing module interface(s) with vehicle wiring harness and other components.

b) Electrical schematic showing module internal construction and circuit schematic.

c) Printed Circuit board drawing showing component layout.

d) Printed circuit board drawing or files showing trace layout by later (Gerber files or equivalent).

e) Bill of Materials identifying all internal components, part numbers, and vendor(s).

f) Connector documents identifying connector dimensions, physical design, specifications, part number(s), vendor(s), pin locations and circuits, locking mechanisms, connection force(s), disconnect force(s), connection retention force(s)

g) Module environmental specifications.

6.) Electronic Throttle Control System (ETC or ETCS)

a) Functional requirements specifications for the ETC system. This is required in order to understand what the system is supposed to do and to what specifications required. To know exactly what the designers were trying to accomplish helps us to understand the behaviors that we observe.

b) Functional requirements specifications for peripheral components and modules that request and/or control torque such as ABS, ESP, etc, as above.

c) Database and associated tools for ECM software requirements documents including engine control and transmission control systems including Matlab/Simulink/Stateflow models. These documents represent the blueprints of the ECM software. They enable us to understand exactly the design intent of the ECM control functions. They show what the software is supposed to: what, how, and when.

d) ECM source code/software database, and associated tools and readers are required to review implementation of the ECM software requirements.

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e) ECM software change request and approval process database is required to understand what items changed and why.

f) A list of all known issues or "issues database" is requested for ECM and ETC development issues including software and hardware. Detail on nature of issues including resolution information. This information is needed to provide insight as to the areas of the system that could be suspect.

g) Access to database and tools for ECM calibration data for engine/transmission software including report generators and part number descriptions. This is a necessary adjunct to the software specifications in order to understand the control functionality within Toyota systems.

h) Copies of any proprietary software tools, access codes, and passwords to access database information, or to read test data, or other document viewers. This is necessary to be able to view all information contained in the requested databases.

d. Sensors -
   1.) Accelerator Pedal Position Sensor (APPS)
   2.) Throttle Position Sensor (TPS)
   3.) ABS Sensor
   4.) Brake Pedal Stroke Sensor (Hybrid)
   5.) Mass Air Flow Sensor (MAF)

2. Electro-Mechanical
   a. Throttle body assembly
   b. Accelerator pedal assembly
   c. Cruise Control System Components
   d. Brake pedal assembly
   e. Anti Lock Braking System (ABS)
   f. Electronic Controlled Transaxle
   g. Automatic Heating Ventilating and Air Conditioning System (HVAC)
   h. Emissions Control components
3. Mechanical
   a. Throttle Body
   b. Brake Pedal assembly
   c. Floor Mats
      1.) OEM Carpeted Floor Mats
      2.) OEM All-weather Style Floor Mats
      3.) OEM Floor Mat Retaining hooks / clips
4. Software/Firmware – For any components, modules, or systems utilizing any of a microprocessor, microcontroller, Digital Signal

Processor (DSP), or other computational hardware, dedicated software and/or firmware is necessary to control component operation. This section identifies our request for documents related to the evolution, development, testing, performance, modification, reliability, and/or robustness of such software/firmware in each of the applicable systems/modules.

a. Functional requirements/goals/objectives/specifications
b. Algorithm development history
c. Prototyping history
d. Concept level testing
e. Requirements
    1.) Pseudo-Code
    2.) Matlab/Simulink/Stateflow
f. Source Code with notes/notation
    1.) Manual coding
    2.) Autocoding
g. Subsystem testing/Unit testing
h. Development/Production Version evolution
    1.) Beta-testing – full system test
    2.) Production build
        a) Calibration sets
            i) Engine
            ii) On Board Diagnostics (OBD)
            iii) Electronic Throttle Control (ETC) Reliability
            iv) Part number electrical engineering
            v) Document control system for the revision and release of subsequent revisions/versions.
            vi) Actual revision history of software/firmware for each applicable module.
i. Software validation criteria for all electronic control modules (ECMs/ECUs), methodology for determining validation criteria, and actual validation history for each module. (1998 to present).
j. Programmers notes, algorithm, logic diagram, flowchart, matrix and other documentation describing the software and software programming process for Engine Control Modules, Anti-Lock Braking System Control Modules, Electronic Throttle Control Systems, Electronic Stability Control Modules, and Occupant Restraint/Airbag Control Modules.
k. List of all software revisions, versions, updates, and changes for Engine Control Modules, Electronic Throttle Control Systems, Anti-Lock Braking Modules, Electronic

Stability Control Modules, and Occupant Restraint/Airbag Control Modules, including who requested each such revision/change, and who authorized each such revision/change.

C. System Level Documents – Plaintiffs need documents regarding the following systems:
   1. ETCS
   2. Cruise Control
   3. Transaxle
   4. Braking
   5. Vehicle Stability Control
   6. Airbag
   7. Interior Packaging

D. Vehicle Level Documents
   1. Vehicles with ETCS

E. Overview of Key Documents/Data
   1. Design goals for components (for all P.C. boards, electronic modules, subsystems, and systems)
      a. Performance to these goals
      b. Test results
   2. Failure Mode Effects Analysis (FMEA or Toyota's equivalent versions) related to both design and process failure analysis.
      a. Changes in components, P.C. boards, modules, subsystems and systems made as a result of these studies
      b. Copies of the test data taken in studies resulting from this work
   3. Incoming inspection reports, results, etc. obtained during initial testing by Toyota or other recipients of vehicles in the US
   4. Parts database including the complete testing history, raw data, etc. for each part associated with ECUs and ETCS
   5. All failures in components, boards, modules, subsystems, and systems in the design/development phase of the electronic systems
   6. Flow diagrams and software for the operations of the components, subsystems, and system
   7. All schematics, PCB, layouts, layers, bill of material, test plan functionality/operation, including Date codes "decoding" and FMEAs (Toyota's version)
   8. Sensors: Types, operation, how they interface to the systems in the subject vehicles
   9. Connectors and any failures associated with them
   10. Documents associated with the throttle body, its specification, design, manufacture, operation, faults, and failures

F. Specific Documents/Data (if not included in prior sections)
   1. Electrical circuit schematics
   2. Printed Circuit Board (PCB) drawings (or electronic equivalent)

3. Printed Circuit Board trace layout by layer (via Gerber files or equivalent).
4. Printed Circuit Board Test plan
5. Bill of Materials for entire assembly, including all sub-assemblies.
6. Technical Specifications documents
7. Assembly instructions for each station of process of assembly
8. Packaging drawings, descriptions, specifications
9. A list of all design revisions approved and released for each of the above modules.
10. Design, performance, and/or functional requirements for Electronic Throttle Control (ETCS) systems
11. Design, performance, and/or functional requirements for peripheral components and modules that request and/or control torque (e.g., ABS, ESP, etc.)
12. Documents describing Toyota's Revision Control System.
13. All PC Board Gerber Files (include fabrication details).
14. Assembly Instructions (Notes from Engineering to Manufacturing) including files sent to any sub-contractors, vendors, or other involved parties.
15. Test procedure used at vendor and installation at Toyota assembly plant.
16. Engineering diagrams / drawings for the ETCS system and every engineering change instruction form or document
17. Design Check Sheets for electronic throttle control system including all of the associated sensors, circuits, connections and wiring for each engine family from 1998 to the present.
18. Electronic throttle control design specification for Toyota's original and link-less systems from its introduction to the present for each Toyota model and engine family.
19. Software requirements documents for engine control and transmission control systems including Matlab/Simulink/Stateflow models.
20. Requirements database for ECM software and hardware.
21. Requirements (functional) for peripheral components modules that request and control torque such as ABS, ESP, etc.
22. Source code / software database.
23. Software change request and approval process database.
24. Issues database -- for development issues / software issues including resolution information. Software and hardware
25. Copies of proprietary software tools to access database information or to read test data or other document viewers.
26. ETC position control algorithm details and performance analysis.
27. Calibration listings for ECM for engine / transmission software.
28. ECM schematics and wiring harness diagrams.
29. Test plans and Design Validation Plans and Reports (DVP&R) or functionally equivalent documents.

30. FMEA (Failure Modes and Effects Analysis) or functionally equivalent documents.
31. Description of all test procedures relating to ETC systems.
32. Validation reports including test trip summary and environmental testing reports.
33. ECM processor loading study.
34. Organizational charts of the product development and advanced systems engineering areas.
35. List of software engineers.
36. List of development engineers.
37. List of suppliers for all components that control engine torque.
38. Sign-off / Release process description and documents.
39. Development process and timelines description and details.
40. Product performance specifications sheets for ETC throttle body, pedal, and ECM.
41. Drive quality and performance targets.
42. Ride/Drive feedback / reports.
43. Competitive product benchmarking reports.
44. Supply chain list for all components of the ECU.
45. Original test plans on ETCS (Electronic Throttle Control Systems with Intelligence)
46. Magnetic field strength measurements
    a. inside the cabin
    b. under the hood
47. ECM software documentation including, but not limited to,
    a. Programming conventions
    b. Design documents
    c. Fault-handling strategy
    d. Software architecture
    e. Timing analysis
    f. Timing management
    g. Interrupt management
    h. Test plans including but not limited to
        1.) Coverage
        2.) Unit testing
        3.) Subsystem testing
        4.) System testing
        5.) Idle speed control tests
        6.) Cruise control tests
        7.) Vehicle stability control tests
        8.) Transmission control tests
    i. Code walk-through conventions and analysis results
    j. Regression tests
    k. Detailed functional descriptions including, but not limited to,
        1.) Air flow control

2.) Cruise control
3.) Fuel flow control
4.) Idle speed control
5.) Transmission shift control
6.) Vehicle stability control
7.) Accelerator pedal position sensor range checks and assumptions
8.) Throttle position sensor range checks and assumptions
9.) Learning algorithms for sensor calibration including, but not limited to,
    a.) Accelerator Pedal Position Sensor (APPS)
    b.) Throttle Position Sensor (TPS)

48. ECM hardware documentation including, but not limited to,
    a. Design documents
    b. Fault-handling strategy
    c. Test plans including, but not limited to,
        1.) Coverage
        2.) Unit testing
        3.) Subsystem testing
        4.) System testing
        5.) EMI testing and assumptions

49. ETCS user interface analysis
    a. General usability and
    b. Usability under stress conditions
        1.) Engine turn-on/turn-off on keyed and button starts
        2.) Transmission shift (sport and automatic shift)

50. Toyota's methodology for designing and implementing the ETCS system and Toyota's decision to incorporate the ETCS system into the Subject vehicles, including:
    a. Any design or production deadlines Toyota imposed as part of this process.
    b. The basis for Toyota's decision to explore throttle by wire systems.
    c. The specific design limitations, if any, Toyota sought to overcome by transitioning to the use of throttle by wire systems in its vehicles.
    d. Any cost benefit analysis Toyota considered as part of its decision to implement throttle by wire in concept, and any such analysis performed specific to the ETCS system that was ultimately incorporated into Subject vehicles.
    e. Any safety data Toyota considered as part of its decision to implement throttle by wire in concept and any such analysis performed specific to the ETCS system that was ultimately incorporated into Subject vehicles.

f. Any alternative designs, proto types, and/or design comparatives Toyota considered as part of its decision to implement throttle by wire in concept, and any such analysis performed specific to the ETCS system that was ultimately incorporated into the Subject vehicles.

g. Any design or performance criteria forming a basis as part of its decision to implement throttle by wire in concept, and any such analysis performed specific to the ETCS system that was ultimately incorporated into the Alberto Vehicle.

h. Any testing, critical analysis, or real-world performance data Toyota considered as part of your decision to implement throttle by wire in concept, and any such analysis performed specific to the ETCS system that was ultimately incorporated into the Subject vehicles.

i. Any cost criteria Toyota considered as part of your decision to implement throttle by wire in concept, and any such analysis performed specific to the ETCS system that was ultimately incorporated into the Alberto Vehicle.

j. Toyota specific protocol, if any, from theory to production, implementing the ETCS system, and whether or not such protocol deviated from any prior Toyota design practices.

k. Any design limitations and/or safety concerns you identified during the course of designing, implementing, and producing the ETCS system.

51. FMEA's (failure mode and effects analyses), fault tree analyses, Ishikawa diagrams, and other failure analyses, (including, but not limited to, inductive, deductive, and brainstorming analyses) concerning subject vehicles.

52. Documents showing how the ETCS respond to electromagnetic disturbances reasonably likely to be experienced over the life of the vehicle due to both electromagnetic activity in the vehicle itself and in the external environment.

53. Documents showing how ETCS respond to electromagnetic disturbances reasonably likely to be experienced over the life of the vehicle due to both electromagnetic activity in the vehicle itself and in the external environment.

54. Every failsafe mechanism and/or design feature, if any, installed in a Subject vehicle that was or were intended to assist a driver of a Subject vehicle equipped with ETCS to maintain control in the event of UAE.

55. Toyota Soldering Standards (Design and Manufacturing) for all the model years of vehicles in this litigation.

56. The solder used during this process (lead/lead free) and whether/when the IPC directive was followed? (see ipc.org)

57. Any advanced ESC or ABS system features used on any subject vehicles that are intended to improve brake function during loss of power brake assist.
58. Software Flow Charts, including support documentation, and/or notes for each revision of software related to the operation of Electronic Throttle Controls (ETC) and Engine Control Module(s) (ECUs) in all Toyota and Lexus models from 1998 to present for each model, engine, or option combination offered.
59. The testing, qualification, validation, and verification of software used in all Toyota and Lexus models for Electronic Throttle Control (ETC) and Engine Control Module(s) (ECUs) from 1998 to present for each model, engine, or option combination offered.
60. The study, testing, evaluation, benchmarking, or other competitive or comparative analysis performed by Toyota or Lexus or their designated contractors regarding Electronic Throttle Control (ETC) type systems as used on other manufacturer's vehicles.

III. Manufacturing/Quality Control

A. Scope
   1. The relevant documents for the subject vehicles from 1998 to present
   2. The relevant manufacturing and quality control documents for each level – component level, system level, and vehicle level

B. Key Manufacturing/Quality Control Documents
   1. Toyota's application of the "Toyota Production System" (TPS) to its design, manufacture, and quality control process relative to the subject vehicles
   2. Toyota's policy and procedure for resolving in-process manufacturing defect issues, such as 10-D charts, Corrective Action Plans, or Toyota equivalents.
   3. Toyota's policies and procedures for addressing quality "spills"
   4. The manufacturing defects found in any subject vehicles and any corrective action taken by Toyota or its affiliates/suppliers
   5. The qualified vendors used by Toyota in the relevant modules in the subject vehicles since 1998
   6. Toyota supplier audits and quality history for their suppliers of the relevant modules in the subject vehicles since 1998

7. Toyota's evaluation or analysis of testing done by suppliers of the ETCS systems in the subject vehicles, including but not limited to Denso
8. Compliance with or potential breaches of control by Denso or other suppliers of the ETCS systems in the subject vehicles
9. Communications between Toyota and Denso and/or other suppliers of the ETCS systems regarding ETCS in the subject vehicles, including regarding all test schedules, test results, analyses, and sign offs
10. Toyota Soldering Requirements/Standards for design and manufacturing of electronics from model year 1998 to present.
11. Type of solder used in electronic module manufacturing of Toyota electronic modules from model year 1998 to present (i.e. containing lead, or lead-free). When was the IPC directive followed (see www.ipc.org).

IV. Complaints/Claims/Failure Analysis In Subject Vehicles

A. Toyota's containment process for field issues
B. Toyota's Material Cost Management
C. Failure Analysis Process
   1. Design Failure Mode Effects Analysis (DFMEA) documents or Toyota equivalent documents relating to potential design defects and their impact on failure mode severities of components relating to Engine Control Modules (ECUs), Electronic Throttle Control (ETC) components, and Electronic Throttle Body assemblies.
   2. Process Failure Mode Effects Analysis (PFMEA) documents or Toyota equivalent documents relating to potential manufacturing process defects and their impact of failure mode severities of processes during the manufacturing of Engine Control Modules (ECUs), Electronic Throttle Control (ETC) components, and Electronic Throttle Body assemblies.
   3. The process and the equipment used to access any event data stored in any Event Data Recorder (EDR) devices, or event data recorder functions contained within any electronic modules
   4. Reports of the triggering of a Diagnostic Trouble Code ("DTC") P2121 in Subject vehicles, any investigation into the triggering of a DTC P2121, and any corrective action taken as a result.
   5. All documents, reports, or other materials documenting reports of the triggering of a Diagnostic Trouble Code ("DTC") P2121 in Class Vehicles, any investigation into the triggering of a DTC P2121, and any corrective action taken as a result.
   6. All documents, reports, or other materials documenting reports of the triggering of a Diagnostic Trouble Code ("DTC") pertaining to or associated with the electronic throttle control system, any investigation into the triggering of a DTC 2121, and any corrective action taken as a result.

7. Reports of the triggering of a Diagnostic Trouble Code ("DTC") pertaining to or associated with the electronic throttle control system, any investigation into the triggering of a DTC P2121, and any corrective action taken as a result.
8. Tests conducted on ETCS when subject vehicles reported sudden unintended acceleration
9. Original failure analysis of ETCS (fault-tree analysis in particular) including, but not limited to:
   a. Analysis of independent faults
   b. Analysis of common-mode failures
   c. Reliability estimates
   d. Reliability statistics
   e. Sensor failure-mode analysis
   f. temperature impact analysis
   g. stress impact analysis
   h. shear test analysis
   i. magnetic field impact analysis

D. Diagnostics
   1. DTC Codes
      a. P-Codes
         1.) Definitions
         2.) Software requirements linked to each definition
         3.) Calibration data
      b. U-Codes
         1.) Definitions
         2.) Software requirements linked to each definition
         3.) Calibration
      c. C-Codes
         1.) Definitions
         2.) Software requirements linked to each definition
         3.) Calibration
      d. B-Codes
         1.) Definitions
         2.) Software requirements linked to each definition
   2. Diagnostic Control Code (DTC) approach
      a. What is considered and not considered
         1.) Occurrence statistics
         2.) Adaptation/calibration strategies for
            a) Different operating temperatures
            b) Different humidity conditions
            c) Aging of vehicle
            d) Different maintenance habits on vehicles
      b. Part repair/replacement statistics on
         1.) Accelerator pedal assembly
         2.) Air flow sensors
         3.) Cruise control module

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4.) CAN network
5.) ECM
6.) Electrical/Wiring Connectors
7.) Fuel flow sensors
8.) MUX network
9.) Throttle body assembly
10.) Throttle body sensor
11.) Transmission control module

E. Event Data Recorder (EDR)

1. EDR Readout Tools used in the United States and other countries.
2. SRS Airbag Event Data Recorder Readout Tool Operation Manuals
3. The software design of the EDR Readout Tool
4. Non-software changes made to each and every version of the Readout Tool
5. The changes, corrections, deletions or additions made to each and every version of the Readout Tool Operation Manual
6. A list of the hexadecimal data recorded by the EDR.
7. Documents used to manually read and validate the hexadecimal data recorded by the EDR and readout by the EDR Readout Tool
8. The Toyota departments that designed and manufactured the EDR Readout Tools
9. The Toyota employees involved in the design and manufacture of the EDR Readout Tools
10. A list (including make, model and year) of the relevant vehicles sold in the United States that have an EDR installed and the data each EDR records
11. A list (including make, model and year) in the relevant vehicles sold outside the US that has an EDR installed and the data each EDR records
12. The Passwords used for the security release on the EDR tool
13. The Accelerator Full Open Voltage Values used for input into the EDR Readout Tool
14. The testing done to validate the operation and accuracy of the EDR Readout Tool
15. The testing done to validate the operation and accuracy of the EDR Readout Tool
16. Details of all EDR downloads Toyota representatives have performed in the United States

F. Warranty Replacements
   1. Field warranty claims involving the aforementioned modules and/or assemblies
   2. Out-of-warranty service replacement of the aforementioned modules and/or assemblies on customer vehicles.
   3. Documentation regarding all ECU's that were returned to the manufacturer from Toyota as defective (RMA).
   4. Documentation for all ECU's that were returned to the manufacturer/vendor from Toyota as defective via Returned Material Authorizations (RMA), including analysis or report of failure mechanisms from the manufacturer/vendor.

G. Early Warning Reporting (EWR)
   1. The 37,900 UA-related complaints Toyota reported to Congress that it had received via phone complaint line.
   2. Protocols and supporting materials for inspection of alleged UA incidents, pre- and post-SMART team. This should go back as far as Toyota has examined UA and set protocols for vehicle inspections / owner and witness interviews.
   3. The defect and crash surveillance systems at Toyota
   4. The structure of the EWR committee, team and or department at Toyota.
   5. All field investigations conducted by Toyota, or its agents or contractors on vehicles that involved an alleged unintended acceleration incident from 1998 to the present.
   6. The status and findings regarding any buy-backs for vehicles in which there were allegations of unintended acceleration from 1998 to the present.
   7. Toyota Dealer UA Process Flow Scenario #1 or Scenario #2 inspections performed on vehicles where the owner complained of a sudden acceleration event.
   8. Toyota Unintended Acceleration (UA) Interview Guides that were filled out in response to an owner's complaint of an unintended acceleration event.

V. Service

A. Dealer communications
B. Dealer networks
C. UA scenario evaluations
D. Field Technical Specialist
   1. Training
   2. Investigations
   3. Communications
E. SMART
   1. Training
   2. Investigations
   3. Communications

VI. Potential UA Incidents

A. US UA Incidents
   1. Written or oral complaints regarding potential UA incidents in subject vehicles, including all documents kept by Toyota and its dealers
   2. Toyota's internal communications and analyses regarding potential UA incidents or problems in subject vehicles
   3. Changes, modifications, replacements, or recalls carried out by Toyota to address potential UA incidents

B. Foreign UA Incidents
   1. Written or oral complaints regarding potential UA incidents in subject vehicles outside of the United States, including all documents kept by Toyota and its dealers
   2. Toyota's internal communications and analyses regarding potential UA incidents or problems in subject vehicles
   3. Changes, modifications, replacements, or recalls carried out by Toyota to address potential UA incidents

C. Government Investigations
   1. US investigations
      a. Senate Committee on Commerce, Science and Transportation
      b. House Committee on Energy and Commerce
      c. House Committee on Oversight and Government Reform
      d. All DOT / NHTSA investigations of unintended acceleration and all related inquiries (i.e., Recall Queries, Timeliness Queries, EWR-based investigations, Inspector General inquiries).
      e. Attorney General Cuomo's Grand Jury investigation
   2. Foreign-based investigations

D. All Toyota Recalls/Replacements In Subject Vehicles Since 1998

E. Exponent Testing
   1. Vehicles – the date, title, vehicle model year and model, author(s), engineer(s), test methodology and conclusion(s) each and every test conducted by Exponent from December 1, 2009 to the present.
   2. Test Results – every test report, test media, test graph, test matrix, and/or and test document conducted by Exponent from December 1, 2009 to the present

F. Toyota's UA Process Flow
   1. Scenario 1
   2. Scenario 2

VII. Brake Override

A. Design
   1. Every vehicle not currently equipped with the brake override or brake to idle fail safe feature that cannot be reflashed or retrofitted because of software or hardware limitations in the onboard system.

B. Testing

1. Testing, benchmarking and / or analyses of brake override systems.

C. Recall/Retrofit
   1. The methodology and/or processes Toyota employs to implement the brake override retrofit
   2. All testing related to the brake override feature described in recall 09V388.
   3. The person(s) with sign off responsibility for the brake override feature that described in recall 09V388.
   4. Testing related to the brake override feature that is part of described in recall 09V388.
   5. Design Check Sheet, Failure Modes and Effects Analyses (FMEA), or like documents related to the brake override feature described in recall 09V388.

VIII. Dealer Materials, Sales, Marketing, and Public Statements

A. Purchase/Leasing Documents
   1. Contract-related documents
   2. Disclosures
   3. Vehicle manuals and advisories

B. Advertisements
   1. Exemplars of all print, television, and electronic/web-based advertising or marketing documents regarding Toyota or subject vehicles since 1998
   2. Exemplars of single-model brochures for all worldwide markets in which subject vehicles were sold
   3. Exemplars of all multi-model or full-model range brochures for all worldwide markets in which subject vehicles were sold
   4. Scripts of all and radio and television recordings regarding Toyota or subject vehicles since 1998
   5. Exemplars of all story boards associated with broadcast marketing for all worldwide markets in which vehicles were sold
   6. All marketing that addresses "Toyota in the World" and/or any corporate citizenship policies, guidelines, or practices
   7. All versions of "The Automotive Industry – Toyota and Japan"

C. Website
   1. Copies of Toyota-affiliated websites since 1998
   2. Exemplars of all web-based marketing for all worldwide markets in which vehicles were sold

D. Direct Communications with Customers (Pre- and Post-Recall) By Toyota or its Dealers
   1. Letters to and from customers
   2. Email communications to and from customers
   3. Technical Service Bulletins
   4. Customer Service
      a. Telephone logs/notes
      b. Telephone scripts

5. All dealer training materials, including books, seminars, presentations, brochures, videos, web-based documents,

E. Dealer/Service Information
   1. Any and all spare or replacement parts lists, and spare or replacement catalogues used by Toyota for TOYOTA and LEXUS dealership and service network.
   2. Any and all service training manuals or materials issued by Toyota for TOYOTA and LEXUS dealership and service network use for the subject vehicles.
   3. Any and all repair and service manuals issued by Toyota for TOYOTA and LEXUS dealership and service network use for subject vehicles.

F. Press Releases
   1. Pre July, 2009 press releases regarding Toyota or subject vehicles
   2. All post July 2009 press releases, including those dealing with potential UA, floor mat, or "sticky pedal" problems or recalls

G. Other Public Statements
   1. Testimony by Toyota representatives or spokespersons
   2. Interviews by Toyota representatives or spokes persons
   3. Talking points for Toyota representatives or spokespersons

IX. Key Toyota Databases

A. Research and Development databases
B. Design and Engineering databases
   1. Engineering Book of Knowledge
C. Testing databases
D. Customer Support - Defect / Complaint Surveillance databases
   1. Field Evaluation
   2. Customer Quality Engineering
   3. Compliance – EWR
   4. SMART (Swift Market Analysis Recovery Team)
   5. North American Global Quality Committee
   6. Vehicle on-board data storage
      a. EDR
      b. ECM
      c. CAN Bus
      d. Operation History Data
      e. Other
E. Dealer-related databases
F. Marketing databases
G. Some knowing databases are:
   1. Toyota Customer Support
      a. APS (NAPLD)
      b. Claims Processing System (CPS)
      c. Knowledge Management (KM)
      d. Service Parts Information System (SPIS)

e. T3 - Technical Assistance System (TAS)
f. T3 - Toyota Quality Communication Network (TQCN)
g. T3 - Technical Information System (TIS) – Dealer / Public
h. TCS Prg
i. Toyota Technical Education Network (T-TEN)
j. TMMC Parts Invoicing
k. Warranty Parts Supplier

2. Toyota Automotive
   a. Dealer Daily
   b. Dealer Daily Mexico
   c. Dealer Daily Training
   d. Fleet
   e. Lexus Survey Redesign
   f. Logistics
   g. Supplier TRAM
3. TMS Business Support Services
   a. Any Level system
4. TMS Information Systems
   a. Call Accounting
   b. Clarity
   c. Wireless
5. EWR Compliance
   a. TeamConnect

X. Document/Data Retention and Preservation

A. Policies and practices -- The policies and practices of each department, division, committee, and group regarding document and data preservation and implementation of any litigation holds relevant to UA incidents

B. Particular Document/Data Preservation Issues
   1. Event Data Recorder (EDR) – data recorded by this system should be preserved, including data regarding
      a. engine speed
      b. braking
      c. vehicle speed
      d. position of accelerator pedal
      e. position of transmission shift level
      f. seat belt usage
      g. SRS airbag deployment
      h. SRS airbag diagnostic data
   2. CAN (Controller Area Network) Bus (for Toyota vehicles 2007 and after and Hybrids 2004 and after)
   3. ECM/ECU – data recorded by this system should be preserved, including data regarding:
      a. Adaptive parameters such as fueling, airflow, idle speed, A/C, and friction transmission
      b. For hybrids, operational history data

4. TECHSTREAM diagnostic tool – data recorded by this tool should be preserved, including Throttle Learn Data and Pedal Sweep Test
5. ETCS – this should be preserved by Toyota in the condition at the time of a

XI. **Toyota's Organizational Structure**

A. Corporate Structure – Plaintiffs would like organizational charts from 1998 to the present for the following entities:
1. TTC U.S.A.
2. TTC Headquarters Tokyo
3. TEMA
4. TMC
5. TMS
6. TMNA, Inc.

B. Corporate Roles/Functions – Plaintiffs want to understand the corporate roles of the Toyota entities and affiliates in the research testing, design, sales and/or development of the subject vehicles and document/data retention and preservation issues:
1. TTC U.S.A.
2. TTC Headquarters Tokyo
3. TEMA
4. TMC
5. TMS
6. TMNA, Inc.

XII. **Miscellaneous**

A. Communications with Insurers – communications with insurers regarding potential UA incidents in subject vehicles since 1998

B. Communications with Rental Car Companies - communications with rental car companies regarding potential UA incidents in subject vehicles since 1998

EXHIBIT D

Mktg and Ad RFPs

All DOCUMENTS, including but not limited to all advertisements, commercials and other promotional or marketing materials (radio, print, internet, and television), that refer or relate to any representations, warranties, or statements by TOYOTA regarding the quality, reliability or safety of TOYOTA vehicles from 2002 to the present.

All DOCUMENTS, including but not limited to all advertisements, commercials and other promotional or marketing materials (radio, print, internet, and television), that refer or relate to any representations, warranties, or statements by TOYOTA regarding the recall of any TOYOTA vehicles for any reason from 2002 to the present.

All DOCUMENTS, including all promotional materials, advertisements, commercials, warranties, and other marketing materials disseminated by YOU or on YOUR behalf that refer or relate to the VEHICLES from 2002 to the present.

All DOCUMENTS, but not limited to all advertisements, commercials and other promotional or marketing materials (radio, print, internet, and television in the United States and abroad) that refer, relate or respond to the floor mat problems and recall.

All DOCUMENTS, but not limited to all advertisements, commercials and other promotional or marketing materials (radio, print, internet, and television in the United States and abroad) that refer, relate or respond to the sticky pedal problems and recall.

All DOCUMENTS, but not limited to all advertisements, commercials and other promotional or marketing materials (radio, print, internet, and television in the United States and abroad) that refer, relate or respond to any electronic problems with TOYOTA vehicles from 1998 to the present.

All DOCUMENTS, including but not limited to all advertisements, commercials and other promotional or marketing materials (radio, print, internet, and television in the United States and abroad), that refer, relate or respond to the issue of SUDDEN UNINTENDED ACCELERATION in YOUR vehicles.

All DOCUMENTS, including all correspondence, communications, memoranda, email, letters, voicemail messages, text messages, and other writings, between YOU and any outside public relations firms or marketing consultants that refer or relate to SUDDEN UNINTENDED ACCELERATION or any of the other alleged problems that TOYOTA has experienced with its vehicles from 2002 through the present.

All television advertisements, commercials and other promotional or marketing materials that refer or relate to YOUR vehicles from January 1, 2002 to the present.

All radio advertisements, commercials and other promotional or marketing materials that refer or relate to YOUR vehicles from January 1, 2002 to the present.

All internet advertisements, commercials and other promotional or marketing materials that refer or relate to YOUR vehicles from January 1, 2002 to the present.

All articles, including all opinion editorial pieces that YOU have prepared or have caused to be prepared on YOUR behalf that have been published in any newspaper, journal, magazine, blog, webpage, newsletter that refer, relate or respond to any alleged problems or concerns (or to dispel governmental, public, or consumer concern) regarding the quality, safety or reliability of TOYOTA vehicles from January 1, 2002 to the present.

Marketing Document Discovery Requests

For every vehicle with ETCS-i produce the following:

- Any and all single-model brochures for all worldwide markets in which the vehicle were sold.
- Any and all multi-model or full-model range brochures for all worldwide markets in which the vehicle were sold.
- Any and all broadcast marketing for all worldwide markets in which the vehicles were sold.
- Any and all story boards associated with broadcast marketing for all worldwide markets in which the vehicles were sold.
- Any and all print marketing for all worldwide markets in which the vehicle was sold.
- Any and all web-based marketing for all worldwide in which the vehicle was sold.
- Any and all press releases and press kits for all worldwide markets in which the vehicles were sold.
- Any and all auto show specific press releases and press kits worldwide in which the vehicles were sold.
- Any and all press materials distributed via Toyota media websites for all worldwide markets in which the vehicles were sold.
- Any and all dealer sales training materials, including books, seminars, presentations, brochures, videos, web-based documents, or any other media.

Produce the following for all worldwide markets from January 1, 2002 to current:

- Any and all marketing, including but not limited to brochures, booklets, press releases, press kits, digital media, and / or broadcast media that address Toyota's safety philosophy, policies, guidelines and / or practices.
- Any and all marketing, including but not limited to brochures, booklets, press releases, press kits, digital media, and / or broadcast media that address "Toyota in the World" and/or any corporate citizenship policies, guidelines and / or practices.
- All versions of the "The Automobile Industry - Toyota and Japan"

Warranty/Complaints

For all vehicles:

Any complaints regarding SUA, including documents relating to the analysis, processing and response to the complaint.

Any warranty claims regarding SUA.

Any documents involving Toyota's compliance with TREAD Act's Early Warning Requirements.

Any documents reflecting testing, investigations or analysis of any vehicle where the consumer complained of unintended acceleration.

Any communication with Toyota dealers regarding UA, floor mat problems or sticky pedals.

Third Party's

Any communications between Toyota and any third party regarding floor mat, sticky pedal, ETCS defects, problems, or complaints.